

A Fresh Start Comes from God:  
Theological, Historical, and Sociological  
Background of the Clean-Slate Acts of  
Leviticus 25 and Deuteronomy 15

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## Abstract

The clean-slate acts of the Hebrew Bible, i.e., the Year of Jubilee in Leviticus 25 and the *Šemittah* Year and the Law of Slave Release in Deut 15:1-18, are a part of the tradition of clean-slate acts in the ancient Near East. In these acts, those who have become indebted and have lost land and freedom, are given a fresh start. Through comparing the biblical clean-slate acts with the evidence of clean-slate acts in ancient Mesopotamia including the existing Edict of Ammišaduqa and fragments of an edict from Samsuiluna, the Holiness Code's Year of Jubilee and Deuteronomy's *Šhemittah* Year and the Law of Slave Release are brought into sharper focus.

The goal of this book is to use the lens of the ancient Near Eastern clean-slate acts to better understand not only the biblical acts but the role they play within their respective law codes. Through the clean-slate acts, both the Holiness Code and Deuteronomy set economic justice as a corner stone of their theology. They serve as a culmination of what it means to be the people of YHWH. Analyzing the biblical clean-slate acts in light of the larger tradition shows that the Year of Jubilee and the *Šemittah* Year and the Law of Slave Release call the people of Israel to be participants in renewal, blessing, and providing justice for the community.







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## Abbreviations

AASOR	The Annual of the American Schools of Oriental Research
AbB	Altbabylonische Briefe
Akk	Akkadian
ANE	Ancient Near East/ancient Near Eastern
ANET	J. B. Pritchard, ed. <i>Ancient Near Eastern Texts Relating to the Old Testament</i> , 3d ed. Princeton: Princeton University Press, 1969.
ARM	Archives royales de Mari.
AS	Edict of Ammişaduqa
BDB	Brown Driver Briggs Hebrew Lexicon
CAD	The Chicago Assyrian Dictionary
CC	The Covenant Code
COS	W. W. Hallow and K. L. Younger, Jr. eds, <i>The Context of Scripture</i> , 3 vols. Leiden: Brill, 1999-2003.
CT	<i>Cuneiform Texts from Babylonian Tablets in the British Museum</i> . London: Trustees of the British Museum, 1896-.
D	Deuteronomy
DtrH	Deuteronomistic Historian
H	The Holiness Code
JPS	Jewish Publication Society
LH	Law of Hammurabi
LL	Law of Lipit-Ištar
LU	Law of Ur-Namma
LXX	Septuagint
NBC	Nies Babylonian Collection, Yale University
NM	Nehemiah Memoir
NRSV	New Revised Standard Version
PRU	Palais royal d'Ugarit. Mission de Res Shamra
PSD	Pennsylvania Sumerian Dictionary
RE	Paulys Realencyclopädie der classischen Altertumswissenschaft
RIA	Das Reallexikon der <i>Assyriologie</i> und Vorderasiatischen Archäologie

RIME	The Royal Inscriptions of Mesopotamia Early Periods
RINAP	The Royal Inscriptions of the Neo-Assyrian Period
RS	Museumssignatur des Louvre und des Damaskus-Museums (Ras Shamra)
Smlt	Sammeltext
SMN	Semitic Musuem (Harvard Univ.), Nuzi Tablets
Sum	Sumerian
TCL	Textes cunéiforms. Musée du Louvre

## **A Note on the Spellings of Names**

I have tried to represent the transliteration of the ancient languages faithfully, including in the names of persons and places. However, as some names are well-known or have a common use, I have gone with the more standard form, as that is the most readily available to research and will likely be the most familiar to the reader. Names for which this applies include: Hammurabi, Samsuiluna, Sennacherib, Esarhaddon, and Assurbanipal.





## Chapter 1: Introduction

"For the needy will never cease to be in the land" (Deut 15:11a). With this statement, the Deuteronomist concedes the point that poverty can never be solved entirely. This concession is not a statement of defeat or resignation. Nor, is it an excuse. Instead, it is the basis for the divine command, "Therefore, I command you saying, you shall surely open your hand to your kin, to your poor, and to your needy in your land" (Deut 15:11b). Like the Deuteronomist, the author of the Holiness Code recognizes that economic disparity and poverty are unavoidable. To address this problem, the Holiness Code establishes the Year of Jubilee, a release throughout the land in which each person will return to their own land and their own family (Lev 25:10). These law codes recognize the problem of debt and poverty. More importantly, they put forward divine solutions that provide the impoverished Israelites a chance to start anew, with a clean slate, and restore social equilibrium.

Neither the problem of poverty nor the ethic of caring for the poor was unique to Israel and Judah within the ancient Near East. Protecting the poor was understood to be a divine mandate among the various ancient Near Eastern nations. Long before there was an Israel or Judah, the ancient Mesopotamian empires had well-established traditions to address the problems of poverty, especially when they resulted from the debt-cycle. Kings would declare an edict, often referred to as *andurārum* or *mīšarum*, that forgave subsistence debts, freed debt-slaves, and returned land and property that was sold in distress. These acts were usually, though not exclusively, issued in a king's first regnal year and, like the biblical acts, created a clean slate for the poor. These royal clean-slate acts provided needed economic relief for the indebted. At the same time, they maintained society by preventing a shrinking free citizenry and keeping in check those who would use the foreclosure of loans to increase their landholdings and access to labor.

The authors of the Holiness Code and Deuteronomy shaped the Year of Jubilee (Lev 25), the *Šemittah* Year (Deut 15:1-11), and the Law of Slave Release (Deut 15:12-18) within this broader ancient Near Eastern context as well as within their unique contexts. Thus, the clean-slate traditions of the ancient Near East and their cultural role serve as a lens through which to view these biblical clean-slate acts. With an understanding of the clean-slate traditions as a heuristic, we can better understand the importance of these laws within the larger theological and ideological projects of the Holiness Code and Deuteronomy.

This project will demonstrate the centrality of economic justice to the Holiness Code and Deuteronomy as seen in the Year of Jubilee, the *Šemittah* Year, and the Law of Slave Release. These laws present an ideal of equality, though perhaps imperfect, required by YHWH and maintained by the community. These acts are founded in the community's relationship with God and reinforce a sense of kinship, strengthening a sense of identity and restoring the whole of the people to right relationships within the community and with YHWH. To better understand how the biblical clean-slate acts accomplish these theological and ideological goals, this project sets them alongside the ancient Near Eastern clean-slate traditions and each other. Their differences and similarities illuminate how the Holiness Code and Deuteronomy participate in the broader tradition while innovating within their respective understandings of justice and YHWH's relationship to the people of Israel.

## General Tendencies of the Research

### *Leviticus 25*

Research into the Year of Jubilee in Leviticus 25 often focuses on a few technical questions: Is the Year of Jubilee the 49<sup>th</sup> or 50<sup>th</sup> year?<sup>1</sup> Was it meant to be treated as binding law, as an expression of a utopic vision, or perhaps to serve a particular agenda such as assuring property for those returning to the land from exile?<sup>2</sup> Other common questions include when, if ever, did the land that was redeemed by a kinsman-redeemer in Lev 25:25 return to the original owner or their heirs: upon redemption or at the time of the Jubilee? Who exactly is sold into slavery in Lev 25:39 and 47?<sup>3</sup> The question of when Lev 25 was written is a perennial question. The scholarship surrounding this particular issue is reviewed more below as it is intertwined with questions of the relationship between Lev 25 and Deut 15:1-18.

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<sup>1</sup> See Robert S. Kawashima, "The Jubilee, Every 49 or 50 Years?" 117-20; Robert North, *The Biblical Jubilee...After Fifty Years*, 26-27; N.P. Lemche, "The Manumission of Slaves – The Fallow Year – The Sabbatical Year – The Jubel Year," 38-59; Christophe Nihan, *From Priestly Torah to Pentateuch*; and Georg Scheuermann, *Das Jubeljahr im Wandel: Untersuchungen des Erlaßjahr- und Jubeljahrtexten aus vier Jahrtausenden*, for a sampling of this discussion.

<sup>2</sup> For example, see Jacob Milgrom, *Leviticus 23-27*; Jan Joosten, *People and Land in the Holiness Code: an Exegetical Study of the Ideational Framework of the Law in Leviticus 17-24*; North, *The Biblical Jubilee*, 101f.; Raymond Westbrook, *Property and the Family in Biblical Law*. This question is often connected with the question of dating. Those who date Lev 25 to a pre-exilic or even pre-monarchic period see it as having represented real laws and traditions. Scholars who see it as having an exilic or post-exilic date may argue that it refers to an earlier historic law but no longer represents a reality or that it was never intended to express a legal reality. Baruch Levine, *Leviticus*, embraces a post-exilic date but argues "Rather than regarding the provisions of Leviticus 25 as retrograde and arguing for the relative antiquity of the chapter, as some scholars do, we should perhaps see in it an attempt to deal with a radically new situation."

<sup>3</sup> See Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, 335-36.

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Jacob Milgrom's three-volume Anchor Bible Commentary on Leviticus is a seminal work in Leviticus studies. Within it, he dedicates 127 pages to Lev 25. He carefully addresses almost every possible question, whether controversial or not, relying on the study of language and of intertextual references with extant texts. Referring to the Festival of Weeks in Lev 23:15-22, particularly the dating established in v. 16, "You must count until the day after the seventh Sabbath, fifty days," Milgrom concludes that the Year of Jubilee is an additional holy year, the year following the seventh Sabbath Year.<sup>4</sup> Milgrom dates the origin of the Year of Jubilee to a pre-monarchic setting and argues that the law was not meant as a mere expression of a utopic ideal. Instead, he argues that it was a sensible and practical provision within its original socio-economic setting.<sup>5</sup> For example, Milgrom argues that the section on houses in walled-in cities is evidence that the law was not merely utopian since it needed to be updated to fit better within an evolving reality.<sup>6</sup> He concedes that there is no evidence that the law was ever enforced and agrees that the Year of Jubilee is more of a "moral law, governed by social mores" than a "judicial law, which is enforceable by the use of sanctions."<sup>7</sup> While many scholars disagree with much of Milgrom's conclusions, his detailed analysis remains an essential touchstone for the study of the Year of Jubilee.

In contrast with Milgrom, Jeffrey A. Fager explores the Year of Jubilee in Lev 25 on its own, without much reference to either the broader ancient Near Eastern traditions or Deut 15. For Fager, the primary question is not how the Holiness Code interacts with other traditions or the dating for Lev 25, though he does assign it to the exilic community of the 6<sup>th</sup> century B.C.E.<sup>8</sup> In his book, *Land Tenure and the Biblical Jubilee: Uncovering Hebrew Ethics through the Sociology of Knowledge*, Fager attempts to answer the question of the intent of the Year of Jubilee, even if it had never been put into practice. "Why did the concept of the year of the jubilee exist?"<sup>9</sup> To answer this question, he follows the theory of Mannheim in breaking the law down into three levels of meaning: objective, expressive, and documentary.<sup>10</sup> In many ways, his conclusion is a variation on the claim that the Year of Jubilee is meant

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<sup>4</sup> Milgrom, *Lev. 23-27*, 2002.

<sup>5</sup> Milgrom, *Lev. 23-27*, 2241f.

<sup>6</sup> Milgrom, *Lev. 23-27*, 2247.

<sup>7</sup> Milgrom, *Lev. 23-27*, 2247.

<sup>8</sup> Jeffrey A. Fager, *Land Tenure and the Biblical Jubilee: Uncovering Hebrew Ethics through the Sociology of Knowledge*, 38f. Fager does briefly address the questions of ancient Near Eastern traditions arguing that they "may have been known by Israel and adapted insofar as they proved congruent with and useful to Israel's traditional beliefs" (25). His comment regarding any possible connection with Dtn. 15 is simply that there is enough correspondence to be considered significant (59). Instead, he argues that the priests are doing something new, using "the tradition to explain the present and the future," (59).

<sup>9</sup> Fager, *Land Tenure*, 13-14.

<sup>10</sup> Fager, *Land Tenure*, 21-22.

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to be aspirational. Fager argues that the aspiration was meant to reflect reality rather than pure utopian ideals. He argues that the author intended to describe a normative moral worldview:

The fact that the world does not seem to recognize the “true reality” presupposed by the jubilee makes the literal observance of the jubilee laws impractical. That the priests probably realized the impracticality of the jubilee does not imply that it should be regarded as utopian; the priests were still seeking to build a society based on the traditional values in the present of a divinely willed world that has not yet been actualized because of human failure to recognize its reality. We *ought* to actualize what really *is*.<sup>11</sup>

The Year of Jubilee is a theological and social ideal, a goal to be worked toward. It was not to be viewed as impossible just because it has not yet been achieved and may never be. It is an attempt by the “not yet” to break into the “already.”

Walter J. Houston seeks to engage with passages in the Hebrew Bible which deal with social justice in “identifiable social situations in ancient society” with “the conviction that the Bible has something to say on the subject which is meaningful and worth hearing in the modern world.”<sup>12</sup> In his survey of the passages that he identifies as dealing with social justice, Houston concludes with a discussion of Lev 25, due in part to its lasting effect on Christian theologians as “the symbol *par excellence* of the social justice inculcated by the Old Testament.”<sup>13</sup> He acknowledges that there seem to be insurmountable problems regarding the practical implementation of the Year of Jubilee. Along with Milgrom and Fager, he recognizes the lack of evidence that it was ever enacted.<sup>14</sup> Houston does not see that as a problem as, like Fager, he does not understand practical implementation to be the point of Lev 25. Instead, it is “to teach justice rather than to enforce detailed regulations.”<sup>15</sup> Nor does he see it as a vision projected into the past meant primarily to guarantee access to land for those returning from exile. Instead, in its attempt to teach justice, “the text has to project a utopia. Its understanding of justice is entirely discordant with society as it currently exists” or has ever existed.<sup>16</sup> Through this utopian vision, the author seeks to challenge the people of Israel into being more just and creating a more just society.

Jeffrey Stackert argues that the Holiness Code draws upon Deuteronomy, as well as the Priestly source and the Covenant Code. His focus is on how the Holiness Code develops and expands the idea of the Sabbath to create something new. From this specific examination of the issue of Sabbath, Stackert’s aim is “to contribute to a larger understanding of H’s hermeneutical stance.”<sup>17</sup> He forms his argument

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<sup>11</sup> Fager, *Land Tenure*, 121.

<sup>12</sup> Walter J. Houston, *Contending for Justice: Ideologies and Theologies of Social Justice in the Old Testament*, 1.

<sup>13</sup> Houston, *Contending for Justice*, 189.

<sup>14</sup> Houston, *Contending for Justice*, 190.

<sup>15</sup> Houston, *Contending for Justice*, 194.

<sup>16</sup> Houston, *Contending for Justice*, 201.

<sup>17</sup> Jeffrey Stackert, “The Sabbath of the Land in the Holiness Legislation: Combining Priestly and Non-Priestly Perspectives,” 240.

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on the Holiness School's expansion of the Sabbath by comparing Lev 25's Sabbath laws with those of the Priestly source, the Covenant Code, and Deuteronomy, with particular attention to the lexical elements, the aspects that the Holiness Code adds to the other sources, and how the Holiness Code combines the various conceptions of Sabbath. He concludes that the Holiness Code extends the idea of holiness that "it inherits most directly from P" to develop a "vision of lay holiness."<sup>18</sup> Though the Holiness Code does not ignore the role of the priests or the special requirements made of the priestly class, it requires the community as a whole to be Holy even as YHWH is holy. As such, Stackert's work approaches the purpose of this project by connecting innovations made within existing traditions to broader questions of theology.

### *Deuteronomy 15:1-18*

Much of the scholarship on Deut 15:1-18 centers on the question of how Deuteronomy advances or alters the slave laws of Exod 21:2-11 and the fallow law of Exod 23. As will be seen below, despite the questions of priority between Deut 15:1-18 and Lev 25, there is a broad consensus, though not unanimous, among scholars that the Covenant Code predates both laws. Questions about both sections, the *Šemittah* Year (Deut 15:1-11) and the Law of Slave Release (Deut 15:12-18) often include the following questions: 1) Does the *Šemittah* Year law presume an agricultural Sabbath alongside an economic one? 2) Did Exod 23 mean to institute a universal fallow year, as seen in Deuteronomy's universal *Šemittah* Year, rather than a rotating one? 3) Is the explicit statement that female Hebrew slaves are to be released in the Law of Slave Release a correction of Exod 21:2-11? Apart from its relationship with the Covenant Code, scholars also question whether the release of debts in vv. 1-11 was a permanent release or simply a deferment or suspension of debt-collection during the *Šemittah* Year and whether the release of slaves in vv. 12-18 was based on an individual tenure for each slave or, like the *Šemittah* Year, a universal release.

Like Milgrom with Leviticus, Moshe Weinfeld's body of work on Deuteronomy stands as a high mark in Deuteronomic studies. Weinfeld not only connects Deuteronomy with ancient Near Eastern literature but particularly with wisdom literature. According to him, Deuteronomy is more influenced by wisdom literature than prophetic literature and "the concept of the primacy of morality over the cult, for example, which constitutes the very heart of prophetic teaching, is absent from the Pentateuchal books and significantly so from Deuteronomy, despite its pronounced moral character." Weinfeld claims Deuteronomy's particular humanistic outlook is a direct reflection of Deuteronomy being wisdom

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<sup>18</sup> Stackert, "The Sabbath of the Land," 250.

literature in the form of law. The Deuteronomist's "purpose was not to produce a civil law-book like the Book of the Covenant, treating of pecuniary matters, but set forth a code of laws securing the protection of the individual and particularly of those persons most in need of it."<sup>19</sup> This influence of wisdom literature can be seen in the *Šemittah* Year's contradicting promise that there will be no poor in the land and acknowledgement that there will always be poor in the land, the call to pro-social behavior, and the assurance of prosperity for obedience.

For Jeffries Hamilton in *Social Justice and Deuteronomy: The Case of Deuteronomy 15*, the two laws of Deut 15, the *Šemittah* Year and the Law of Slave Release, are linked by structure and themes. These include YHWH's blessing and what he refers to as a "narrative connection" as it is indebtedness that leads to slavery and makes the Law of Slave Release necessary. Hamilton begins with a thorough examination of the rhetoric of Deut 15 before turning to compare it with the ancient Near Eastern traditions and the Year of Jubilee in the Holiness Code. He promotes the idea that the *Šemittah* Year and the Law of Slave Release are related to the Sabbath commandment, despite the absence of the term Sabbath. Along with the preceding tithing law, Deuteronomy's clean-slate acts center "Deuteronomy's concern for those in special need of care" as programmatic of the Sabbath.<sup>20</sup> By including these concerns in the holy rhythm of Sabbath, Hamilton shows that, for Deuteronomy, the concern for economic and social justice is a crucial aspect of YHWH's nature.

Eckart Otto is another prominent and influential Deuteronomy scholar. In his *Das Deuteronomium*, Otto proposes that Deuteronomy was a reform project in response to the Assyrian crisis.<sup>21</sup> In the first half of the volume, he deals with the interaction between Deuteronomy and the Middle Assyrian Laws. It is in the discussion Deuteronomy's revision of the laws of the Covenant Code, that Otto deals with Deut 15:1-18. Through this comparison, he argues that the Law of Slave Release reforms the slave laws of Exod 21:2-11 in line with its centralization reform and *Geschwisterethos* ("sibling ethic").<sup>22</sup> According to Otto, the centralization agenda provides the hermeneutic through which Deuteronomy revises the Covenant Code. The *Geschwisterethos* 1) extends explicit equality to the female slave, thus preventing any Hebrews from being born as slaves; 2) requires the Hebrew slave be

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<sup>19</sup> Weinfeld, *Deuteronomy and the Deuteronomistic School*, 284.

<sup>20</sup> Jeffries M. Hamilton, *Social Justice and Deuteronomy: The Case of Deuteronomy 15*, 112.

<sup>21</sup> Eckart Otto, *Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien*.

<sup>22</sup> Otto, *Deuteronomium*, 307. While Otto does see the inclusion of the release of female Hebrew slaves with no mention of being sold to be wives to be an important reform of Deut 15:12-18, this seems to be more in promoting the *Geschwisterethos*, such that there can be no Hebrews born into slavery rather than a complete revision of Exod 21. According to Otto, Exod 21:2-6 implies that women can also be sold into labor-slavery and that the law of release would still apply to them.

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paid for their work when they are released; and 3) limits the love of the master as the only reason for permanent slavery, removing the coercion brought about by the manumitted slave's family remaining the property of their former master.<sup>23</sup> On the other hand, the *Šemittah* Year law presumes and complements Exod 23:10f. with no intention to reform or replace it.<sup>24</sup> Deuteronomy recognizes that which is excellent and worthy within the earlier law code while exercising the freedom to correct where it lacks and build upon its foundations.

Within his examination of Exod 21:2-11 in *Essays on Biblical Law*, Anthony Phillips addresses Deut 15:1-18. He asserts, following N. P. Lemche,<sup>25</sup> that "the laws of Deut 15:1-11 and 12-18 come from different stables," though he offers no reason as to why that should be the case.<sup>26</sup> Due to his understanding of the redaction of these laws, he proposes that vv. 12-18 initially viewed the slave release as individual cases, with each slave being released after a tenure of six years of service, but that when it was expanded to include vv. 1-11 the manumission of slaves was reinterpreted to be a part of the release of the *Šemittah* Year and meant to be a universal release regardless of the length of service.<sup>27</sup> On the question of whether the explicit inclusion of female slaves being set free in the same manner as male slaves stands in opposition to the law regarding the female slave in Exod 21:2-11, which only deals with women who were purchased to be wives or concubines, he maintains that the "motive was the extension of legal status to adult Israelite women."<sup>28</sup> Unfortunately, Phillips does little to support this assertion, and it seems to function far more as a defense of the treatment of the female slave in Exod 21 rather than an examination of this extension of status to women. Counter Phillips, Norbert Lohfink, drawing upon the prominence of daughters sold into non-sexual debt-slavery in the broader ancient Near East, shows that such a change in the social position of women is not necessary to explain the inclusion of women in Deut 15:12-18.<sup>29</sup>

In "The Sabbatical Year of Release: The Social Location and Practice of *Šemittah* in Deuteronomy 15:1-18," Brad Pruitt focuses on the social context of Deut 15:1-18 with the goal of understanding its intended purpose, "whether it was actually practiced or was only viewed as a model for some ideal

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<sup>23</sup> In connection with Deut 23:16f, Otto suggests that the slave who has freely chosen to become a "full slave" loses the protection of sibling status unless they run away (*Deuteronomium*, 307).

<sup>24</sup> Otto, *Deuteronomium*, 315.

<sup>25</sup> Lemche, "The Manumission of Slaves," 45.

<sup>26</sup> Anthony Phillips, *Essays on Biblical Law*, 105.

<sup>27</sup> Phillips, *Biblical Law*, 105. It should be noted that he basis this on Zedekiah's slave release in Jer 34. This presumes that Jer 34 is meant to reflect exactly the law of Deut 15:12-18, an assumption that is by no means certain.

<sup>28</sup> Phillips, *Biblical Law*, 108.

<sup>29</sup> Norbert Lohfink, *Studien zum Deuteronomium und zur deuteronomistischen Literatur IV*, 189-90.

society.”<sup>30</sup> He sets the social background for Deuteronomy as “a reform movement that grew out of a power struggle within aristocratic groups in Jerusalem,” likely due to the threat of the Assyrian empire.<sup>31</sup> This focus on the social location leads Pruitt to concentrate on the economic difficulties of a cycle of debt forgiveness and to argue on the side of a one-year deferment of repayment during the *Šemittah* Year rather than complete forgiveness.<sup>32</sup> It seems that, for Pruitt, a limited suspension of repayment, alongside the biblical evidence of Jer 34 and Neh 5, suggests that the *Šemittah* was intended to be enacted law though it was not widely observed before the exile, or, if it had been observed, it was only in a “limited way.”<sup>33</sup> This last view presents a more cynical understanding of the context and intention of Deut 15 but also takes the real potential effects of the laws on society seriously.

### *The Relationship between Lev 25 and Deut 15:1-18*

Both Lev 25 and Deut 15:1-18 propose solutions to the impoverishment of Israelites that results from indebtedness, but their different foci and solutions have made them ripe for comparison by scholars. Much of the scholarship comparing the two, along with Exod 21:2-11 and 23, deals with questions of provenance and their relative chronology. For many of the scholars engaged in this debate, this is not merely an academic exercise or an attempt to prove the provenance and order of the law codes to which they belong. Instead, the focus is often on which law is responding to the earlier one, sometimes reforming or correcting, sometimes building upon, and sometimes wholly replacing it. From this perspective, many scholars present whichever law they understand as being later as the more progressive. The later law builds upon what has come before with the intention of best creating or envisioning a society that reflects God’s justice and concern for the poor. A fuller examination of the question of provenance and chronology<sup>34</sup> is addressed in chapter 4, so a brief review of this question will suffice here.

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<sup>30</sup> Brad A. Pruitt, “The Sabbatical Year of Release: The Social Location and Practice of *Shemittah* in Deuteronomy 15:1-18,” 81. As we have seen above the question regarding the actual practice of the law is more commonly asked regarding the Year of Jubilee.

<sup>31</sup> Pruitt, “Sabbatical Year,” 86.

<sup>32</sup> Pruitt, “Sabbatical Year,” 86.

<sup>33</sup> Pruitt, “Sabbatical Year,” 92.

<sup>34</sup> Most scholars of Deuteronomy agree that the core of Deuteronomy dates to the 7<sup>th</sup> c B.C.E, building upon the story of finding the scroll of the Law in the Temple in 2 Kgs 22. For examples, see Weinfeld, *Deuteronomy and the Deuteronomic School*, and *ibid*, *Deuteronomy 1-11*, in which he argues that the 7th century B.C.E. dating is also supported by the influence of wisdom literature in Deuteronomy; Alexander Rofé, *Deuteronomy: Issues and Interpretation*; among others. This theory began with de Wette, *Dissertatio qua Deuteronomium a prioribus Pentateuchii libris diversum alius cuiusdam recentioris auctoris opus esse demonstrator*. Contra this, see Otto, *Das Deuteronomium*, who still dates the core of Deuteronomy to the 7<sup>th</sup> century but connects it primarily to the Vassal



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Though not the first scholar to propose that the Holiness Code predated Deuteronomy, Milgrom is perhaps the most well-known proponent of this view. Following Israel Knohl,<sup>35</sup> he sets the final form of the Year of Jubilee legislation in the 8<sup>th</sup> century B.C.E., proposing that it was necessitated by the economic crisis “forcefully punctuated” by the prophets. The prophets of the 8<sup>th</sup> century were not reticent about calling out the economic injustices committed by the leaders of both the northern kingdom of Israel and the southern kingdoms of Judah.<sup>36</sup> As above, Milgrom draws his conclusions from both a close study of vocabulary in the Holiness Code and other sources, particularly Deuteronomy<sup>37</sup> and Ezekiel, and a historical view of pre-exilic Israel and post-exilic Yehud.

Scholars who argue in favor of the priority of Lev 25 over Deut 15:1-18 include Weinfeld and Sara Japhet. Japhet was one of the earliest scholars to develop a basis for arguing for the dating of Lev 25 being earlier than that of Deut 15, specifically arguing that the *niphal* of מָכַר (“to sell”) in Deut 15:12a is best explained if it is drawn from the same form in Lev 25:39a.<sup>38</sup> Weinfeld also argues for the priority of the Priestly source including the Holiness Code, over Deuteronomy. Following S.R. Driver and Milgrom, he not only sees the borrowing of priestly phrases by Deuteronomy but also “that some of the laws in D might be regarded as a relaxation of sanctions by D with respect to P.”<sup>39</sup> He does allow for harmonization at times, including the nature of the Sabbath in Deut 15 and Lev 25. According to Weinfeld, “it is quite likely that both were either observed or regarded as obligatory” and that “the way in which the two laws appear in the sources is important, because it informs us of the writer’s ideology.”<sup>40</sup>

Today the majority opinion is that Deuteronomy predates the Holiness Code, often with scholars dating the Holiness Code to the exilic or post-exilic period. Bernard H. Levinson argues that the Holiness

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Treaties of Esarhaddon. For a review of the history of scholarship on the dating of Deuteronomy, see Otto, “Perspektiven der neueren Deuteronomiumsforschung,” 319-40.

<sup>35</sup> Israel Knohl, “The Priestly Torah Versus the Holiness School: Sabbath and the Festivals,” 65-117. As the title suggests, Knohl focuses on the festivals of the Holiness Code in Lev 23 to show that the Holiness Code is a late layer of the Priestly source and that the hand of the Holiness School can be seen throughout the Priestly source rather than just in Lev 17-26. Cf. Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, where he dates HS beginning and being most active during the 8<sup>th</sup> century though continuing through the Persian period.

<sup>36</sup> Milgrom, *Leviticus 23-27*, 2245. Cf. Jacob Milgrom, *Leviticus 17-22*, 1361f, where Milgrom assigns all of the Holiness Code to the pre-exilic period.

<sup>37</sup> Milgrom, *Leviticus 23-27*, 1357. Four of his examples to support the priority of the Holiness Code over Deuteronomy, are based on language found specifically in Lev 25; three of which are compared to the language of Deut. 15:1-18, using Exod 21:1-11 as a touch stone. See also Moshe Weinfeld, *The Place of the Law in the Religion of Ancient Israel*, 66-67.

<sup>38</sup> Sara Japhet, “The Relationship between the Legal Corpora in the Pentateuch in Light of Manumission Laws,” 73.

<sup>39</sup> Weinfeld, *The Place of the Law*, 68.

<sup>40</sup> Weinfeld, *The Place of the Law*, 85.

Code “represents a radical response to, and indeed rejection of, both the Covenant Code and Deuteronomy.”<sup>41</sup> He rejects Milgrom’s claim that Deuteronomy is the one responding to the earlier law, including “reinstating the possibility of permanent enslavement for Israelites,” because, if that were the case, “some reference to H would be expected, either in terms of language or by engaging the Holiness School’s theology.” As he finds this lacking, Levinson argues that the Holiness Code could not have preceded Deuteronomy.<sup>42</sup> Levinson does not merely provide an analysis of the language to prove a particular ordering of the slave laws but also presents some arguments regarding the ideas behind the Holiness School’s reworking of Deuteronomy and the Covenant Code, including the Holiness School’s intention to “abrogate CC’s law as it was originally intended to operate.”<sup>43</sup>

Stackert builds a literary and linguistic case for the claim that the Holiness Code “draws upon the laws of both the Covenant Code and Deuteronomy in its composition,”<sup>44</sup> but he does not stop there. Instead, he focuses on the “compositional logic” in an attempt to reconstruct the “literary/editorial method and underlying reasoning of the Holiness Code in the reconceptualization of ideas and language gleaned from sources as well as in the introduction of original viewpoints.”<sup>45</sup> Stackert examines three laws that he claims show not only dependence but also the Holiness School’s revision of the laws in the Covenant Code and Deuteronomy, including the seventh-year fallow turned debt-release in the *Šemittah* Year and the slave laws. According to Stackert, the Holiness School’s revision of earlier legislation is to “create an updated and expanded ‘super-law’ whose purpose is to replace all of its legal forebears.”<sup>46</sup> Stackert proposes that his study “contributes new and significant insight into the practice of legal innovation in ancient Israel, the intellectual history of the Deuteronomic and Holiness schools of thought, and the composition and dating of the Torah as a whole.”<sup>47</sup>

Christophe Nihan proposes that the Holiness Code sometimes harmonizes the Covenant Code and Deuteronomy while other times it acts as an arbitrator siding with one or the other of the earlier law codes. For example, according to Nihan, Lev 25:2-7 rejects the interpretation in Deut 15:1-11 of the seventh year being “strictly economic” and returns it to an agricultural institution as seen in Exod 23.<sup>48</sup>

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<sup>41</sup> Bernard H. Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,” 292.

<sup>42</sup> Levinson, “The Manumission of Hermeneutics,” 319.

<sup>43</sup> Levinson, “The Manumission of Hermeneutics,” 315.

<sup>44</sup> Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, 4-5.

<sup>45</sup> Stackert, *Rewriting the Torah*, 144. In this goal, Stackert comes closest to our project by examining the ideologies and theological impulses behind the Holiness School’s work.

<sup>46</sup> Stackert, “The Sabbath of the Land,” 243.

<sup>47</sup> Stackert, *Rewriting the Torah*, 5.

<sup>48</sup> Nihan, *From Priestly Torah to Pentateuch*, 549.

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While he does not argue that the Holiness School's goal is a "super-law" as Stackert does, he does see the Holiness Code as reworking the law through inner-biblical exegesis in order to "redefine the meaning of Israel's holiness."<sup>49</sup>

Not all scholars who argue that the Holiness Code drew upon Deuteronomy view Lev 25 as a rejection or correction of Deut 15:1-18. Adrian Schenker argues that "Leviticus 25 does not supersede the earlier biblical legislation on slaves but implies and completes it."<sup>50</sup> Schenker rejects Gregory Chirichigno's interpretation that the Holiness Code and Deuteronomy's laws address two different kinds of slaves: 1) the *pater familias* who has sold himself in Lev 25, as Chirichigno claims that the *pater familias* cannot be sold by another or through foreclosure of debt, and 2) his dependents in Deut 15:12-18. Schenker does agree that Lev 25 refers to circumstances not covered in Deut 15 or Exod 21.

Priority is not a universal concern among scholars who work with the slave laws. Some scholars do not make any argument for a literary relationship between the clean-slate acts of the Holiness Code and Deuteronomy, or, at the very least, they argue that neither dependence nor priority can be established. Jan Joosten argues that the laws of Lev 25 and Deut 15 developed independently of each other so that the differences between the two are too much to attribute to any literary relationship.<sup>51</sup> Similarly, Chirichigno views any question of the direction of dependence between Lev 25 and Deut 15 as a "moot point."<sup>52</sup>

Before moving on from the issue of dating, we must mention John Van Seters' position. Van Seters stands alone in arguing that Exod 21:2-11 is the latest of three laws dealing with slave release. He proposes that the slave law of Exodus 21 is too divergent from the other two, that the argument that the Holiness Code and Deuteronomy drew upon the Covenant Code is impossible.<sup>53</sup> According to Van Seters, the situation by the time of the Covenant Code, is so different that the author of the Covenant Code broke the fallow law and the slave law into two separate laws and "retains the humanitarian motive in the fallow-land law [Ex. 23:10-11] but no longer includes it in the law of the Hebrew slave, because the conditions of enslavement have changed from the time of DC and HC."<sup>54</sup> While no one seems to have accepted his hypothesis, he does offer a unique interpretation and view of the

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<sup>49</sup> Nihan, *From Priestly Torah to Pentateuch*, 550.

<sup>50</sup> Adrian Schenker, "The Biblical Legislation of the Release of Slaves: The Road from Exodus to Leviticus," 23.

<sup>51</sup> Joosten, *People and Land*.

<sup>52</sup> Chirichigno, *Debt Slavery*, 142. This claim could seem to be out of place with his attempt to harmonize the two laws. The lack of overlap makes the most sense if it were a deliberate act. Otherwise, there is little to recommend the hypothesis that Lev 25 and Deut 15:12-18 refer to different classes of persons sold into slavery.

<sup>53</sup> John Van Seters, "The Law of the Hebrew Slave," 538f.

<sup>54</sup> Van Seters, "The Law of the Hebrew Slave," 545.

relationship between the three laws and challenges entrenched assumptions regarding the dating of the Covenant Code relative to Deuteronomy, the Priestly source, and the Holiness Code.

While the slave laws provide an excellent case study for Pentateuchal studies, questions of dependence are beyond the scope of this project. It is not necessary for our purpose to reconstruct the history of the literary growth of the Pentateuch or to take sides in this debate.<sup>55</sup> Instead, as with the ancient Near Eastern literature below, the two texts, along with Exod 21:2-11, will be compared. Indeed, if one were aware of the other and drew upon it as source material, whether to complement or replace it, the key to understanding the place of the Year of Jubilee, the *Šemittah* Year, and the Law of Slave Release to their respective law codes can be found by examining their similarities and differences. Just as the theologies and ideologies behind the Holiness Code and Deuteronomy differ, so do their clean-slate acts.

#### *Lev 25 and Deut 15:1-18 and the Ancient Near East*

Since F.R. Kraus' *Ein Edikt des Königs Ammi-Šaduqa von Babylon* in 1958,<sup>56</sup> scholars have been fascinated with the possibility of a connection between these ancient Mesopotamian edicts and the clean-slate acts of Lev 25 and Deut 15:1-18. These edicts were royal proclamations that reset the economy and stabilized society. There are significant differences between the ancient Near Eastern clean-slate acts, both the edicts themselves and the records and references to them, and the biblical laws. Like the biblical laws, there is some question of the role of the written edicts, with Kraus presenting the edict as secondary to the oral act of the king and serving as a guideline for how to execute and enforce it.<sup>57</sup> J.J. Finkelstein proposes that the edicts were copied as a scribal exercise, though he does question the effectiveness of the clean-slate acts.<sup>58</sup> While not all scholars agree that the ancient Near Eastern law codes influenced the laws of the Torah or that the clean-slate traditions had any connection to the Year of Jubilee or the *Šemittah* Year and the Law of Slave Release, the majority opinion is that there is at least some influence.

Given the scope of his commentary, it is not surprising that Milgrom weighs in on the question of the influence of the ancient Near Eastern clean-slate acts on the Year of Jubilee, though he does not

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<sup>55</sup> This is not to say that no conclusions will be reached regarding the most likely dating for these laws or their law codes, but rather that this is not of primary interest to this project. Chapter 5 for an examines the questions of dating and historical context.

<sup>56</sup> F. R. Kraus, *Ein Edikt des Königs Ammi-Šaduqa von Babylon*.

<sup>57</sup> Kraus, *Ein Edikt*, 243f.

<sup>58</sup> J. J. Finkelstein, "Ammišaduqa's Edict and the Babylonian Law Codes," 92.

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spend a significant amount of space discussing proofs for either influence or dependency. Instead, he points to the cognate between דֵּרֹר (*dērōr*, “liberty”) in Lev 25:10 and *andurāru* (Sumerian *ama.ar.gi<sub>4</sub>*, “return to the mother”)<sup>59</sup> that became a technical term for manumission and to evidence that these decrees were not limited to Mesopotamia.<sup>60</sup> For him, the question of the influence of ancient Near Eastern clean-slate traditions on the Year of Jubilee is primarily a basis for answering the questions of dating and the question of practice as mentioned above.<sup>61</sup>

Though focused on the festive meals within Deuteronomy, Peter Altmann explores the relationship between these passages and evidence from the ancient Near East.<sup>62</sup> Altmann takes as a starting point that Deuteronomy did draw upon ancient Near Eastern traditions, accepting the argument that the influence is a mix of Hittite and Neo-Assyrian traditions.<sup>63</sup> Altmann also makes the argument that, as a whole, Deuteronomy and other biblical authors drew upon multiple genres from their ancient Near Eastern context and that Deuteronomy innovates by “the combination of narrative and ritual in a law corpus.”<sup>64</sup> Though Altmann does not deal with Deut 15:1-18, his argument that Deuteronomy engages with and draws from various ancient Near Eastern traditions and genres “for its own purposes”<sup>65</sup> in response to the Neo-Assyrian threat<sup>66</sup> supports this project’s examination into how Deut 15:1-18 compares with the ancient Near Eastern clean-slate traditions.

After analyzing the situation of debt-slavery in the ancient Near East and Israel/Judah, Chirichigno turns his attention to the laws of Exod 21:2-11, Deut 15:1-18, and Lev 25. While he does significant comparative work between these laws and the ancient Near Eastern clean-slate acts and laws that deal with slavery, Chirichigno stops short of a theological examination of how the role of biblical

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<sup>59</sup> For a discussion on the relationship between the Sumerian term *ama.ar.gi<sub>4</sub>* and the Assyrian *andurāru*, see Chapter 3 (47-48).

<sup>60</sup> Milgrom, *Leviticus 23-27*, 2167-68.

<sup>61</sup> For example, Milgrom argues that the ancient Near Eastern traditions contribute to a pre-exilic date for the Jubilee, suggesting that the parallels “tip the scales in favor of a preexilic, and probably, premonarchic date for the inception of the jubilee concept,” (*Leviticus 23-27*, 2242).

See also John Sietze Bergsma, *The Jubilee from Leviticus to Qumran: A History of Interpretation*, who follows in Milgrom’s footsteps to draw from the linguistic and practical parallels between the Year of Jubilee and the ancient Near Eastern clean-slate traditions to support his claim that “It was intended as earnest legislation reflecting the values and structures of pre-monarchic tribal Israel, regardless of the [extent] to which it was practiced or enforced” (p. 2). Bergsma not only compares Lev 25 to the edicts but also references the use of *andurārum* in the Atrahasis epic and texts from Nuzi.

<sup>62</sup> Peter Altmann, *Festive Meals in Ancient Israel: Deuteronomy’s Identity Politics in their Ancient Near Eastern Context*.

<sup>63</sup> Altmann, *Festive Meals*, 25.

<sup>64</sup> Altmann, *Festive Meals*, 23.

<sup>65</sup> Altmann, *Festive Meals*, 30.

<sup>66</sup> Altmann, *Festive Meals*, 31f.

laws in the context of the broader ancient Near Eastern tradition. His examination of the laws in relation to each other is an essential contribution to the conversation on the relationship of the ancient Near Eastern clean-slate traditions and those of Lev 25 and Deut 15:1-18. Chirichigno argues that the Deuteronomist “carefully juxtaposed” the slave releases in both the Edict of Ammišaduqa (AS) and the Law of Hammurabi (LH) “to provide for the periodic release of both non-commercial loans and debt-slaves,”<sup>67</sup> and even suggests that Deut 15:1-18 is more similar to LH §117 than to Exod 21:2-11 or the Edict of Ammišaduqa.<sup>68</sup> He sees Lev 25 as closer to that of the clean-slate acts based partly on *andurārum* being the etymon of the Hebrew term **יִרְדֹּר**. Chirichigno compares the evolution of ancient Near Eastern edicts in the Old Babylonian period from being referred to as *mīšarum* to *andurārum* and suggests that the same could be a means for interpreting the connection of the terms **יִבְל** and **יִרְדֹּר**.<sup>69</sup> Beyond that, Chirichigno draws upon the similarities in the provisions of the *andurārum* edicts and Lev. 25.

Weinfeld examines the laws of Deut 15:1-18 and Lev 25 alongside Zedekiah’s proclamation of slavery in Jer 34. In Zedekiah’s manumission act, he sees not just a clear allusion to Deut 15:1-18 but also claims that it is closer to the Year of Jubilee in Lev 25. From this, he sees a historical basis but argues that:

The announcement of the Sabbatical year in Dtn 15 and also the proclamation of liberty in Lev 25 are, from the point of view of functioning, identical with the Mesopotamian *mīšarum* and *durāru(m)*, except that they have been woven into a literary framework and have thereby received a utopic coloring.<sup>70</sup>

In his analysis of the linguistic and practical connections between the ancient Near Eastern clean-slate traditions and the biblical clean-slate acts, he proposes that Hebrew word **יִבְל** (“Jubilee”) first seen in Lev 25:10 is connected not primarily to the ram’s horn but rather to movement and flowing and to **יִבְל** (“stream of water”).<sup>71</sup> In addition to his analysis of the connections between Deut 15 and the ancient Near Eastern clean-slate traditions, particularly the Edict of Ammišaduqa, in “Sabbatical and Jubilee,”<sup>72</sup> Weinfeld sees the particular formulation of Deut 15:1-18 as being

<sup>67</sup> Chirichigno, *Debt Slavery*, 275.

<sup>68</sup> Chirichigno, *Debt Slavery*, 300.

<sup>69</sup> Chirichigno, *Debt Slavery*, 316-17.

<sup>70</sup> Moshe Weinfeld, “Sabbatical Year and Jubilee in the Pentateuchal Laws and Their Ancient Near Eastern Background,” 43.

<sup>71</sup> Weinfeld, “Sabbatical Year and Jubilee,” 46. For more on the meaning of **יִבְל**, see Chapter 6, (112-13).

<sup>72</sup> Weinfeld, “Sabbatical Year and Jubilee,” 47f.

humanitarian and a part of the influence of ancient Near Eastern wisdom literature on the book of Deuteronomy as mentioned above.<sup>73</sup>

## Ancient Near Eastern Literature and the Hebrew Bible

The role of literature from the larger ancient Near Eastern world on the development of the Hebrew Bible remains a debate within the scholarship of the Hebrew Bible. Opinions range from scholars who see a direct connection between the texts of the ancient Near East and the Hebrew Bible, often arguing for dependence, to those who offer words of caution about making claims of dependency or even allusion without showing the mechanism by which the interaction would have occurred. As this project compares the clean-slate acts of the Holiness Code and Deuteronomy with the clean-slate traditions of ancient Mesopotamia, it is necessary to address this question briefly. As can be seen above, the question of the relationship between the ancient Near Eastern clean-slate traditions and the Year of Jubilee, the *Šemittah* Year, and the Law of Slave Release has long been a part of the scholarship on the biblical clean-slate acts. It is crucial to establish the philosophy of the use of ancient Near Eastern texts for the understanding of texts in the Hebrew Bible.

It is easy to see how a model of dependency could come about and gain acceptance, even without clear evidence of what mechanism may have facilitated this exchange. Being situated in the Levant, for much if not all of their history, Israel and Judah existed between the world powers of Assyria/Babylon to the east and Egypt to the west. Nor is there a question of contact with these empires even before the conquest of the northern kingdom. It is almost unthinkable that a smaller kingdom would manage to avoid the influence of its larger neighbors, especially when it came under their dominion as vassal states. Similarities between the flood narratives of Gen 6-9 and the story of Utnapishtim in the Epic of Gilgamesh, laws about the ox that gores (Exod 21:28-32; 35-36 and the Laws of Hammurabi (LH) §§244-52), and comparisons between vassal treaties and Deuteronomy are just a few of the examples that suggest that the authors of the Hebrew Bible were familiar with some ancient Near Eastern texts. The weight of this evidence is enough that David Carr views it as a crucial “bit of data suggesting that the Mesopotamian educational system had a significant influence on ancient Israel.”<sup>74</sup> In

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<sup>73</sup> Weinfeld, *Deuteronomy and the Deuteronomic School*, 282f.

<sup>74</sup> David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature*, 60. It should be noted that Carr also gives a warning regarding this connection:

Deuteronomic studies, one of the most persuasive arguments for direct dependencies is Otto's assertion that Deuteronomy was intended to be a subversion of the Vassal Treaty of Esarhaddon.<sup>75</sup> Critiques of Otto point out that the differences outweigh the similarities and that he is unable to propose a convincing theory of transmission.<sup>76</sup> More than anything else, it is the issue of transmission, that presents a reason for caution in determining a direct literary relationship between the texts of the ancient Near East and the Hebrew Bible.

This project takes the position that the scope of the cultural influence of ancient Near Eastern clean-slate traditions extended far beyond their time and place in history. Though these edicts do not seem to be much in evidence after the Old Babylonian period (2000-1600 B.C.E.), the Neo-Assyrian king Esarhaddon (regnal years 681-669 B.C.E.) claims to have issued Assyrian and Babylonian clean-slate acts. These edicts, or at least Esarhaddon's claim regarding them, would have come about during a period in which the relationship between the vassal kingdom of Judah and Assyria would have had some significant interaction. Though the lack of "cuneiform texts that can be dated positively to the period of Babylonian rule over Judah and its neighbors,"<sup>77</sup> unlike the Neo-Assyrian period,<sup>78</sup> means that we cannot say for sure what the exact nature of the cultural relationship would have been after the reign of Esarhaddon and his son Assurbanipal under the Neo-Babylonian kings prior to the early 6<sup>th</sup> century B.C.E. Without being able to show how the texts of either the earlier clean-slate edicts or those that Esarhaddon claims to have issued would have been available to the authors of either the Holiness Code or Deuteronomy, the question of whether there is direct dependence of the Year of Jubilee, the *Šemittah* Year, or the Law of Slave Release on the ancient Near Eastern clean-slate traditions is beyond the scope of this project. There is good reason to understand these older traditions as having become a

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Texts like this provide provocative pointers to possible influence of the Sumero-Akkadian tradition on texts written long after that tradition is attested in the Syro-Palestinian area. Yet it is quite unclear how such influence would have taken place or what kind of textual-educational system Israel itself had. (61) He does indicate that educational texts found in the Levant that date to the Bronze Age could have left a lasting impression on the scribes of Iron Age Israel/Judah despite there being little evidence that such material was widespread in the Levant during the Iron Age. In fact, according to the list compiled by Wayne Horowitz, Takayoshi Oshima, and Seth L. Sanders, *Cuneiform in Canaan: The Next Generation*, only one extant cuneiform academic document from Judah dates to the Neo-Assyrian period (19) and none from the Neo-Babylonian period (22).

<sup>75</sup> See above and ch. 5.

<sup>76</sup> For an example of a rejection of the dependence of Deuteronomy, particularly Deut 13 on the Vassal Treaties, see Markus Zehnder, "Building on Stone? Deuteronomy and Esarhaddon's Loyalty Oaths (Part 1): Some Preliminary Observations," 341-74.

<sup>77</sup> Horowitz, Oshima, and Sanders, *Cuneiform in Canaan*, 22.

<sup>78</sup> Horowitz, Oshima, and Sanders, *Cuneiform in Canaan*, 18-22. It should be noted that they caution that the "sample of Neo-Assyrian period finds ... is unfortunately too small and too scattered in time and place to reach any definite conclusions about the chronology and nature of the Assyrian occupation of Philistia, the former territory of the northern kingdom, and parts of Judah" (21).



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part of the larger cultural consciousness that would have extended to Judah. The fact that the biblical accounts of slave release (Jer 34) and debt forgiveness along with slave release and return of property (Neh 5) involve proclamations by rulers: King Zedekiah of Judah and Nehemiah as the governor of Yehud respectively, a critical element that is more in line with the ancient Near Eastern edicts than the biblical clean-slate acts, further provides evidence that this tradition not only survived but was a part of the cultural milieu of the late monarchic, exilic, and even post-exilic periods.

The approach of this project is a comparative one. This approach recognizes that the law codes, like much of the literature from Israel and Judah, “would reflect not only the specific culture of the Israelites but many aspects of the larger culture of the ancient Near East.”<sup>79</sup> According to the spectrum of differences and similarities proposed by John H. Walton, the clean-slate acts of the Holiness Code and Deuteronomy fall between the range of “accurate knowledge resulting in rejection” and “awareness leading to adaptation or transformation”—the latter of which should not be conflated with “conscious imitation or borrowing.”<sup>80</sup> In their expression of theology and justice, the authors of the Holiness Code and Deuteronomy found in the clean-slate traditions a fitting tool, a part of the broader cultural context that could be utilized to attempt to bring about a just society with right relationships within the community and with their God.

## Methodology

This study sets the Year of Jubilee in the Holiness Code and the *Šemittah* Year and the Law of Slave Release in Deuteronomy alongside the ancient Near Eastern clean-slate traditions. By examining how these laws are similar to and different from the broader traditions, we will better understand the choices made by the authors. This context will allow us to see these laws as central expressions of the theology of their respective law codes.

In order to understand the nature of the ancient Near Eastern traditions surrounding debt-forgiveness and the manumission of slaves, it is necessary to have an overview of the issue of debt and debt-slavery. Chapter 2 evaluates the problem of debt and slavery in the Hebrew Bible and then draws upon the work of those scholars who have studied the economies of the ancient Near East to provide a point of comparison. With an understanding of the problem, chapter 3 examines the ancient Mesopotamian evidence of clean-slate acts through their social and historical contexts, including the

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<sup>79</sup> John H. Walton, *Ancient Near Eastern Thought and the Old Testament: Introducing the Conceptual World of the Hebrew Bible*, 22.

<sup>80</sup> Walton, *Ancient Near Eastern Thought*, 27.

understanding of kingship. Clean-slate acts were a long tradition in the ancient Mesopotamian world, though perhaps not continuously practiced through all the millennia of these empires. Archaeologists have only uncovered the edicts of Ammišaduqa; Samsuiluna; and Edict-X, so-called because the extant fragments do not include the name of the king. For this reason, chapter 3 looks at the evidence for clean-slate acts in royal year formulas, monuments, and other documents, alongside evidence for the efficacy of the edicts. As the only complete, or nearly complete, exemplar of an edict available, particular focus will be given to the Edict of Ammišaduqa with support from the fragments of Samsuiluna's edict.

Much of the evidence for ancient Mesopotamian clean-slate acts belongs in the Old Babylonian period (2000-1600 B.C.E.), long before there was an Israel or a Judah. By the time that the kingdoms of Israel and Judah as we know them became a part of the ancient Near Eastern worlds, the clean-slate acts were an older tradition no longer routinely practiced. However, in chapter 4, the survival of these traditions, or at least the cultural awareness and influence of the clean-slate traditions, into the Neo-Assyrian period is demonstrated. Esarhaddon, a Neo-Assyrian king who came to the throne during a particularly tumultuous time in the empire's control over Babylon, claims to have issued clean-slate acts. This claim and why Esarhaddon would have revived the older tradition is the focus of the chapter.

Chapter 5 deals with the questions of dating for both the Holiness Code and the core of Deuteronomy, to which Deut 15 belongs. While this project is not meant to solve any questions of dating, the relationship between the Holiness Code and Deuteronomy is a significant controversy that must be addressed. As seen above, this is particularly true regarding the Holiness School's Year of Jubilee and Deuteronomy's *Šemittah* Year and the Law of Slave Release. The dating of these passages also aids in addressing questions regarding their social context and any political agendas that may have existed alongside the theological and ideological ones.

With the economics of debt and the ancient Near Eastern clean-slate traditions examined and the question of the dating for the Holiness Code and Deuteronomy explored, chapters 6 and 7 then turn to the biblical clean-slate acts. Chapter 6 is a close exegesis of the Year of Jubilee in Lev 25, and chapter 7 examines the *Šemittah* Year and the Law of Slave Release in Deut 15:1-18. The focus of this exegesis is not to examine seams in the text or to separate redaction layers. Instead, the focus is to examine their ideas of economic justice and their roles in the Holiness Code and Deuteronomy, respectively.

In the final chapter, the laws of Lev 25 and Deut 15:1-18 are compared with the ancient Near Eastern clean-slate traditions as well as with each other. This comparison looks at how these laws are similar to and different from the ancient Near Eastern clean-slate traditions and how these laws

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contribute to the theologies and ideologies of the Holiness Code and Deuteronomy. These acts were not meant merely to address economic realities, and, whether they represent utopian ideals or practiced laws, they are crucial elements of the larger projects of the law codes of which they are part. The Year of Jubilee, the *Šemittah* Year, and the Law of Slave Release all center economic and social justice in the community's relationship with God. For Israel, according to both the Holiness Code and Deuteronomy, being in right relationship with YHWH requires communal acts of economic and social justice.

## Chapter 2: From Freedom to Slavery.

### Introduction

The purpose of this chapter is a survey of the economic elements of the debt-problem, the primary economic reason that a free person would become a slave, in the Hebrew Bible and in the ancient Near East, particularly southern Mesopotamia. This chapter is not meant as a historical study of the development of debt over the course of millennia but rather an overview of contributing factors. The structure is thematic rather than chronological. In addition to demonstrating the problem that the clean-slate acts address, similarities at the core of the problem of debt in the Hebrew Bible and the ancient Near East will be shown.

Before we can examine the clean-slate acts, either of the Hebrew Bible or the ancient Near East, it is necessary to understand the problem of how and under what circumstances free citizens became slaves. While slavery could be the result of war and captivity, committing certain crimes, or penalties on debtors, the primary economic cause for slavery of free citizens is poverty and debt.<sup>1</sup> This debt-slavery was a consequence of mounting debt to the point where selling oneself into slavery was the most probable option. A typical scenario for both the Hebrew Bible and the ancient Near East would have looked like this: debt increased the production demands on a subsistence household; in addition to their own immediate needs, seed or other resources for the following year, and taxes, they also needed to be able to repay their debts. When they were not able to repay these debts, they may have needed to sell persons, either dependents or ultimately the *pater familias*, or land to cover the costs. Jeffries. M. Hamilton describes the debt-cycle as happening in four steps: “1) a debt is taken on; 2) the debtor cannot repay the debt; 3) the debtor places himself or herself or a dependent in debt slavery, thereby paying off the debt; and 4) this debt slavery is annulled by the *mīšarum* edict or some other mechanism whereby *andurārum*, release, is affected.”<sup>2</sup> In other cases, persons or land may have been given as a surety until the debt was paid. Both of these circumstances would limit the resources, labor or arable land, available to the household to meet their continuing needs, a problem that could be further exacerbated by “dreadful clusters” of dry years.<sup>3</sup> This process was often the beginning of a debt-cycle in

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<sup>1</sup> M. Molina, “Sklave, Slaverei A,” RIA, 563; M. Stol, “Sklave, Sklaverei B,” RIA, 566-67. An example of a debtor becoming a slave as a penalty rather than through sale or foreclosure, Raymond Westbrook, “Conclusions,” 335, describes a debtor being handed over by the king as a slave as the result of the creditor suing for repayment.

<sup>2</sup> Jeffries M. Hamilton, *Social Justice and Deuteronomy: The Case of Deuteronomy 15*, 64.

<sup>3</sup> David C. Snell, *Life in the Ancient Near East: 3100-223 B.C.E.*, 87.

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which more land or persons would be sold and that a citizen would become dependent on another as they could effectively become a tenant farmer on the sold land.<sup>4</sup>

The focus will begin on the issue of debt in the Hebrew Bible. The issue of loans and citizenry obligations will be discussed, followed by increasing debt and the loss of freedom as the final outcome. A look at prophetic literature is instructive in this regard, as Amos, Hosea, Isaiah of Jerusalem, and Micah from the 8<sup>th</sup> century and Jeremiah from the 6<sup>th</sup> century BCE expose the predatory practices used by creditors. The biblical picture will be cast in sharp relief by delineating the major factors that contributed to enslavement on the Mesopotamian side: interest-bearing loans and the citizenry obligations of taxes and corvée will be explored as the causes of debt. From there, we will turn to the consequences of debt: loss of land and loss of freedom.

### Causes of Debt in the Hebrew Bible

The Hebrew Bible deals with issues of economic oppression at length within its diverse literature. Though not a strict historical record of events in ancient Israel and Judah, it provides more than a hint of what the circumstances would have been during various points of the two kingdoms. The depictions provided by the biblical record are shaped by the authors' theology and ideology and cannot be understood as being free of agenda, but debt and its consequences are mentioned much more frequently in the Bible than Van de Mieroop's description as "some statements regarding credit."<sup>5</sup> The Hebrew Bible provides a window, if not wholly transparent, into the situation faced by the poor, that would have led ultimately to slavery.

The biblical narratives suggest that the problems for subsistence households brought about by debt are present already in the pre-monarchic period (cf. Judg 11:3). There is little archaeological evidence that supports a significant level of economic activity in ancient Israel and Judah before the 9<sup>th</sup> century B.C.E. This fits well within the fact that it is in the 8<sup>th</sup> century B.C.E. that the literary prophets begin their work of condemning the oppression and exploitation of the poor and easily impoverished subsistence households by the wealthy. The development of economic systems from the 9<sup>th</sup> century to the 8<sup>th</sup> allows for the growth of abuse to reach a crisis point. According to Snell, with increased pressure from Assyria, it is likely that, in both kingdoms, "economic life deteriorated and class differentiation

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<sup>4</sup> Carlo Zaccagnini, "Economic Aspects of Land Ownership and Land Use in Northern Mesopotamia and Syria from the Late 3<sup>rd</sup> Millennium to the Neo-Assyrian Pd." 338-39. See also Horst Klengel, "Non-Slave Labour in the Old Babylonian Period: The Basic Outlines," 162-63.

<sup>5</sup> Van de Mieroop, "A History of Near Eastern Debt?" 62. See also Matthew J. M. Coomber, "Caught in the Crossfire? Economic Injustice and Prophetic Motivation in Eighth-Century Judah," 396-432..

increased” in the 8<sup>th</sup> century. Marvin L. Chaney argues that, rather than imperial pressure, this class differentiation was the result of the increase in international trade that demanded exports of cash crops: wheat, olive oil, and wine. The need for increased production in these crops “cut deeply into the sustenance of the peasant majority.”<sup>6</sup> These factors are not mutually exclusive and likely both contributed to the crisis and highlighted the role of international pressures in the growth of economic systems in Israel and Judah.

### *Loans*

The Covenant Code, the Holiness Code, and Deuteronomy all prohibit lending at interest within the ethnic bounds of Israel. Of these, only Deuteronomy explicitly allows interest-bearing loans to those outside of the community of Israel:

If you lend silver to my people, to the poor with you, you shall not be to them as a creditor. You shall not set interest upon them. If you hold as a pledge the garment of your neighbor, you shall bring it back to them before sundown, for it is their only covering, their garment for their skin. With what else shall they sleep? And if it shall be that they shall cry out to me, I will hear, for I am gracious! (Exod 22:25-27 (24-26))

If your kinsperson becomes poor and their strength falters with you, you shall support them; a stranger and a sojourner, they shall live with you. Do not take interest or profit from them, but fear your God, and let your kinsperson live with you. You shall not give your silver to them with interest, and your food you shall not give for an increase. (Lev 25:35-37)

and

You shall not lend with interest to your kin, interest on silver, interest on food, interest on anything which gives interest. To a foreigner, you may lend with interest, but to your kin, you shall not lend with interest, in order that YHWH your God will bless you in all that you put your hand to in the land which you are entering to possess it. (Deut 23:19-20 (20-21))

In both the Covenant and Holiness Codes, the law against interest is specifically in the context of subsistence loans, as is made clear by the description of the debtor as poor (דָּעֵנִי, Exod 22:24 (25)) or one who has become poor (יָבוֹאֵן, Lev 25:35). The evidence from the 8<sup>th</sup> and 6<sup>th</sup> century prophets suggest that these precepts were not followed.

Like the Covenant Code, Deuteronomy also sets forth laws governing pledges, though it does not specify any difference between the types of loan, whether subsistence or commercial:

Do not take as a pledge the mill or the millstone, for that is taking in pledge a life. (Deut 24:6)

and

If you act as a creditor with your neighbor, a loan of any type, you shall not enter their house to get the pledged thing. You shall stand outside, and the person for whom you are a creditor shall bring out to you

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<sup>6</sup> Marvin L. Chaney, “Whose Sour Grapes: The Addressees of Isaiah 5:1-7 in the Light of Political Economy,” 107.

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the pledged article, outside. And if the person is poor (עני), you shall not sleep with their pledge, but you shall surely return the pledged article when the sun goes down, and they will sleep in their mantle and bless you, and it will be for you righteousness before YHWH your God. (Deut 24:10-13)

While these laws seem to specifically discuss pledged objects, the prohibition against entering another's house to seize the pledged object would also suggest that forcible distraint of pledged persons would be forbidden as well.

Neh 5 is a complex chapter on the issue of debt in the early post-exilic period.<sup>7</sup> The cry for help in the narrative includes both a description of the consequences of the debt and an explanation as to why the debt was taken on in the first place:

Now there was a great outcry of the people and their wives against their fellow Judeans, for there were those saying, "With our sons and our daughters, we are many. Let us get grain so that we may eat and we may live." And there were those saying, "We are pledging our fields, our vineyards, and our houses to get grain in the famine." And there were those saying, "We are borrowing silver on our fields and our vineyards for the king's tribute." (Neh 5:1-4)

When famine struck the province of Yehud, those with large families whose land did not produce enough to provide for the survival of their households were required to take out subsistence loans in order to survive and to pay their taxes. These debts were taken out of necessity, but meeting the immediate need would begin the debt-cycle that would lead to slavery, for themselves or their dependents.

### *Taxes and Corvée*

The Deuteronomistic Historian presents the project of monarchy as a threat. Part of the threat of kingship, according to the Deuteronomistic Historian, is the injustice of taxation and corvée:

And he [Samuel] said, "This will be the judgment of the king who will reign over you: your sons he will take and set for himself in his chariots, among his horsemen, and to run before his chariots, and he will set for himself officers of thousands and officers of fifties; and to do his plowing and to reap his harvest; and to the making of his weapons of war and the equipment of his chariots. And your daughters he will take to be perfumers, cooks, and bakers. And your fields, your vineyards, and your olive orchards, the best of them he will take and give to his servants; and a tenth of your seed and your vineyards, and he will give to his officers and his servants. And your servants, your maidservants, the best of your young men, and your male-asses he will take and work for his work. Of your flock, he will take a tithe, and you will be for him servants. And you will cry out in that day because of your king, whom you have chosen for yourselves, but YHWH will not answer you in that day!" (1 Samuel 8:11-18)

Not only will this king, according to Samuel's warning, not respect their ancestral land rights, as can best be seen in the story of Ahab and Naboth (1 Kgs 21),<sup>8</sup> but he will take their sons and daughters, depriving

<sup>7</sup> See Excursus 2 for more on Nehemiah.

<sup>8</sup> Note, Ahab's grief at being denied by Naboth does suggest that he respected these ancestral rights, but by the end of the story, Jezebel subverted the custom through a ploy to prove Naboth guilty of a capital crime against

families of the labor force needed to work the land and meet their subsistence needs. An additional tithe, or tax, would also be taken by the king, and like the tithe due to YHWH, he will demand the best of their herds.

It is not until the narrative of peacefulness and prosperity under Solomon that the Deuteronomistic Historian presents the fullness of this taxation and corvée. In the context of Solomon, this is part of the splendor of the United Monarchy, but one can also hear the echoes of Samuel's warning. Even the depiction of Solomon's splendor is not without judgment:

And it was that Solomon's food for one day was thirty measures of fine flour and sixty measures of meal; and ten fattened head of cattle, twenty pasture-fed head of cattle; and one hundred sheep, apart from deer, gazelle, roebuck, and fattened fowl. ... And those officials provisioned King Solomon and all who approached the table of King Solomon, each in his month, and they did not leave a matter lacking. (1 Kgs 4:22-23, 27 (5:2-3, 7))

The Deuteronomistic Historian casts the time of Solomon as a time of prosperity as well as expansive control over the region beyond Israel. These rotating officials, though, were tax collectors and represented an economic burden on the people.<sup>9</sup> Not only would these officials have collected taxes, but they would have been in a position to take more on top of taxes or to offer credit to those who could not meet their tax burden.

In addition to taxes, the building of the temple in Jerusalem and Solomon's palace required significant labor. The description of this work in 1 Kgs 5 tells of the conscription of corvée labor needed for these projects:

And King Solomon raised forced labor from all of Israel, and the forced labor was thirty thousand men, and he sent them to Lebanon, ten thousand men a month by shifts: a month they were in Lebanon, and two months at home. Adoniram was over the forced labor. And Solomon had seventy thousand laborers and eighty thousand stonecutters in the hill country. Besides Solomon's chief officers who were over, three thousand and three hundred ruled over the people doing the work. (1 Kgs 5:13-16 (27-30))

While corvée, or "forced labor" not in the context of conquered peoples, is not mentioned frequently in the Hebrew Bible, throughout the history of Israel and Judah the kingdoms would have armies and the palace servants. For some, these would have likely been secure positions rather than corvée positions, especially if their family did not have lands or the means to meet their subsistence needs; still these positions shifted labor resources from subsistence needs to providing for the king's opulence. Even Solomon was guilty of Samuel's warning: having forty thousand stalls of horses for his chariots and twelve thousand horsemen (1 Kgs 4:26).

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God that would not only require his execution but would allow the king to confiscate the land. See: Stephen C. Russell, "The Hierarchy of Estates in the Land and Naboth's Vineyard," 453-69 and Anne Marie Kitz, "Naboth's Vineyard after Mari and Amarna," 529-545.

<sup>9</sup> Mordechai Cogan, *1 Kings: A New Translation with Introduction and Commentary*, 205, 219.



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Taxes and corvée were necessary parts of life. Building projects, not just those that benefited the king, would have required labor. Those who work in specialist positions for the king or provided goods would need to be paid. Even while praising Solomon for his wisdom and for the construction of the temple, the Deuteronomistic Historian recalls Samuel's warning. Citizenry obligations may be necessary, but under a king they would be abused at the expense of the citizens, particularly the poorest who could least afford it.

### Consequences of Debt in the Hebrew Bible

Like the causes of debt, the consequences expressed in the Hebrew Bible follow the patterns seen in Mesopotamia: loss of land or the usufruct thereof and the loss of freedom either of dependents or one's self. Narratives address the problem, showing the leadership and righteousness of those heroes who address the plight of the poor and indebted. These biblical stories also show the severity of life for those who have become indebted and impoverished as well as the day to day realities of small debts.

In the legends of Elisha, the prophet is shown to deal compassionately with the economic problems faced by the company (lit., sons) of the prophets. He even uses the power granted to him when he took over Elijah's mantle for this purpose. In 2 Kgs 4:1-7, he deals with the consequences of debt faced by a widow and her children:

Now a woman, one of the wives of the company of the prophets cried out to Elisha, saying, "Your servant, my husband is dead, and even you know that your servant surely feared YHWH, but the creditor is coming to take my two children for himself to be slaves!"

And to her, Elisha said, "What shall I do for you? Tell me, what do you have in the house?"

And she said, "Nothing is to your maidservant at all in the house, except for a flask of oil."

And he said, "Go. Borrow for yourself vessels from the street, from all your neighbors, empty vessels, not a few! Then you shall enter and shut the door behind you and behind your children, and then you shall pour out over all these vessels and set aside the full."

Then she went and shut the door after her and after her children, who had brought [the vessels] to her, and she poured. And it was, when the vessels were full, that she said to her son, "Bring to me again a vessel."

But he said to her, "There are no more vessels."

And the oil stopped.

Then she came and told the man of God. And he said, "Go. Sell the oil, and repay your debts, and you and your children shall live on the remaining."

The text does not say the reason for the loan, but the widow assures the prophet that her late husband feared YHWH and calls upon his remembrance of the deceased. This assertion may be to assure Elisha and the reader that the loan was not for some worthless reason and that YHWH did not kill the man as a punishment for sin. This seems to function as justification that the widow is well within her rights to seek the help of YHWH and YHWH's representative, the prophet Elisha. As a result of this loan, the

creditor is soon to exercise their right of distraint to force the debt to be repaid. Even though the *pater familias* has died, his sons will be made debt-slaves due to the forfeiture. Elisha does not use the opportunity to prophesy against either loans or distraint. Instead, he provides an immediate financial solution that provides for the repayment of the loan and any accrued interest. His aid also provides for the household going forward, allowing them to avoid reentering the debt-cycle.

Elisha later rescues one of his followers from the consequences of a loan, this time not a subsistence loan but of an ax-head, a needed tool. The potential loss of the tool is not the fault of the disciple, but he is still worried about the potential consequences:

So it was, as one was felling a log, the iron ax-head fell into the water, and he cried out, saying, "Alas, my master! It was borrowed!"

And the man of God said, "Where did it fall?" And [the man] showed him the place. Then [Elisha] cut wood and threw it there and made the iron ax-head float. And he said, "Pick it up." And [the man] reached out his hand and took it. (2 Kgs 6.5-7)

This narrative is the only story we have of borrowing a tool, so we do not know what the consequences could have been. It seems likely that the worker would have had to repay the cost of the ax. Frymer-Kensky proposes that the text implies repayment and that, had the man not been able to return the borrowed tool or to pay for its replacement, he would have been in danger of debt-slavery.<sup>10</sup>

Within the pre-monarchical narratives of the Deuteronomistic History, there are suggestions of individuals who had lost their land for one reason or another. While it is not clear exactly why Jephthah's followers in Judg 11 were outcasts, Frymer-Kensky argues that the term **אֲנָשִׁים רֵיקִים**, ("empty men") in Judg 11:3, describes men who, like Jephthah, were men without land.<sup>11</sup> The text does not explain why these men were landless. Perhaps, also like Jephthah, they had been barred from inheriting because of the circumstances of their birth (Judg 11:1-2), or perhaps it was due to their actions.<sup>12</sup> Following the description of David's army in 1 Sam 22:2, "every man in straits and every man who had to himself a creditor (**נִשְׁאָ**)," Frymer-Kensky's argument that at least some of the "empty men" are landless due to debt is warranted. If the armies of Jephthah and David do speak to a description of the debt problem retrospectively projected into pre- and early monarchic Israel, then the crisis of debt

<sup>10</sup> Frymer-Kensky, "Israel," 257-58

<sup>11</sup> Frymer-Kensky, "Israel," 257.

<sup>12</sup> Jephthah's army is not the only one said to have been made up of **אֲנָשִׁים רֵיקִים**. The men hired by Abimelech in Judges 9 are also described as **פָּחַז אֲנָשִׁים רֵיקִים וּפְחִזִּים**. This description is often translated as "reckless," it can also refer to extravagance (BDB, 808), particularly when referring to the unjust practices of false prophets (Zeph 3:4, **בְּפִחִזֵּיהֶם** in Jer 23:32). While the kind of extravagance that could lead to being "empty of land" is not the sympathetic cause for debt that subsistence loans would be, it is still conceivable that Abimelech's army was made up of individuals who were landless due to debt.

undermining a culture mirrors the concern of indebtedness in ancient Mesopotamia, as will be seen. Not only has debt caused persons to be deprived of opportunities for their livelihood and to provide for their households, but it has created a disaffected population that could be drawn to a charismatic leader with whom they could identify or who promised them something more.

## Oppression of the Poor in the Literary Prophets

The literary prophets denounce the economic injustices within Judah and Israel, often in extreme terms. The 8<sup>th</sup> century prophets Isaiah of Jerusalem, Amos,<sup>13</sup> and Micah and the 6<sup>th</sup> century prophet Jeremiah proclaim against the oppression of the poor. For these prophets, the treatment of the poor by the wealthy—the abuse of the economic system to benefit the rich at the expense of the poor—is a significant part of the reason that YHWH brings judgment upon both the northern kingdom of Israel at the end of the 8<sup>th</sup> century and the southern kingdom of Judah at the beginning of the 6<sup>th</sup> century. While interest-bearing loans and unjust foreclosures are likely among these oppressive practices along with judges who are susceptible to bribes and the use of false weights, the prophets tend to speak in more general terms.

Amos, a prophet from Tekoa in Judah who worked in the northern kingdom of Israel during the eighth century B.C.E., repeatedly proclaims against the abuse of the poor. In Amos 8, he describes the attitude of the wealthy who find the Sabbath to be a nuisance, preventing them from being able to profit off the poor:

Hear this, you who crush the needy and bring to an end the poor of the land,  
saying, "When will the new moon be over so that we can sell grain; and the sabbath, so that we may offer wheat for sale?  
to make the ephah small and the shekel big, and to deceitfully bend the scales,  
buying the poor with silver and the needy for a pair of sandals, and that we may sell the chaff." (Amos 8:4-6)

"Buying the poor for silver," may refer to loans that, when they come due, result in debt-slavery.

Whether it is meant to be taken literally, the meaning is clear. The poor are viewed by the wealthy as a commodity that can be bought. If the needy are desperate enough, the price may be for as little as a price of sandals. In Amos 5, the prophet warns that because of the gains of the wealthy through the oppression of the poor, unless they reverse their unjust practices, the entire nation—wealthy and poor alike—shall be severely punished:

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<sup>13</sup> Contrary to the understanding that the pronouncements of Amos against the abuse of the poor dating to the 8<sup>th</sup> century B.C.E, Christoph Levin, "The Poor in the Old Testament: Some Observations," 259, argues that they cannot date to the 8<sup>th</sup> century B.C.E but are rather post-exilic, or were at least revised during that period.

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Thus because of you trample on the poor and you take a burden of grain from them,  
 you have built houses of cut stone, but you will not live in them;  
 you have planted beautiful vineyards, but you shall not drink their wine.  
 For I know how many your rebellions are and how numerous your sins are:  
 the ones who afflict the just, take a ransom, and turn aside the needy in the gate. (Amos 5:11-12)

The “burden of grain” here most likely refers to interest on loans, though it might also refer to taxes meant to disadvantage and disenfranchise the subsistence households.<sup>14</sup> Because it is the poor who bear this burden, and the rich are described as “trampling upon poor,” the reference is not to the commercial loans given to merchants but rather agricultural loans made to subsistence households, individuals who would already be struggling to provide enough grain for their families to survive. A “burden of grain” would be devastating for these individuals.

Isaiah of Jerusalem, another prophet active in the 8<sup>th</sup> century B.C.E., proclaims against unjust lending practices. In Isa 5, the prophet depicts YHWH mourning a beautiful and lovingly tended vineyard that has not produced sweet cultivated grapes but instead sour wild grapes. In the explanation of this parable,<sup>15</sup> those who take a field in order to expand their own are accused of bloodshed and of oppression against the poor so great that an outcry has come up to YHWH:

For the vineyard of YHWH of hosts is the house of Israel,  
 and the people of Judah is the plant of his delight.  
 He eagerly waited for justice, but behold bloodshed! for righteousness, but behold outcry!  
 Alas! The ones who join house with house, bringing together field with field  
 until there is no place left, and you are made to dwell by yourselves in the midst of the land!  
 In my ears, YHWH of hosts [said],  
 “Surely many houses will be desolate, great ones and beautiful ones, without anyone living.  
 for ten spans of vineyard shall make one bath, and a homer of seed will make an ephah.” (Isa 5:7-10)

The proclamation implies that, as above, every sale of land was a distress sale, and here is comparable to bloodshed. This economic violence would cause the oppressed to cry out to YHWH. If the land is inalienable due to YHWH’s ultimate ownership, then the buying of lands and houses not only oppresses the poor by taking advantage of the indebtedness and further impoverishing them but is also a direct attack against YHWH’s sovereignty. By using their wealth and defaulted loans to increase their holdings, the wealthy have so subverted YHWH’s hopes and goals for Israel and Judah that there is no recourse left but to let them die.

<sup>14</sup> cf. Chaney, “Whose Sour Grapes?” 108.

<sup>15</sup> The “Song of the Vineyard” in Isaiah 5 is probably best understood as both a song and a juridical parable in which Isaiah of Jerusalem, like Amos in the oracles against the nations, causes the audience to eagerly agree with the judgment against the northern kingdom Israel in order to force them to acknowledge that the same judgment should come against the southern kingdom of Judah, see Gale A.. Yee, “A Form-Critical Study of Isaiah 5:1-7 as a Song and a Juridical Parable,” 30-40.

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Isaiah further accuses the wealthy of making the circumstances of the poor desperate. One method would have likely been the use of subsistence agricultural loans with high-interest rates that would all but guarantee default so that the poor have no recourse but to sell their property, their dependents, or themselves. Gale A. Yee suggests that the use of the imagery of the vineyard was meant to add weight to the juridical aspect of the parable, as it was a known metaphor for the northern kingdom.<sup>16</sup> Chaney argues that, in addition to the northern kingdom reference, the very use of viticulture was meant to call to mind the injustice of the increased production of wine for export and the significant loss of hereditary land in order to create vineyards large enough for those export ventures to be successful. The parable already points to the “ones who join house with house, bringing together field with field” (Isa 5:8).<sup>17</sup>

Isaiah emphasizes the power differential between creditors and debts in order to express their ultimate equality, pointing out not only the evil of abusive debt practices but the futility of it in the face of a justly angry God.

Behold! YHWH emptying the earth and destroying it and will twist its face and scatter its inhabitants.  
And it will be as the people, so also the priest; as the slave, so also his master; as the maidservant, so also her mistress;  
as the buyer, so also the seller; as the lender, so also the borrower; as the creditor (נִשְׁבָּּ), so also debtor (lit. the one who has a creditor to him). (Isa 24:1-2)

The privilege and resources of the masters, mistresses, sellers, lenders, and creditors will not serve them; they will be no better off than the slave or the servant, then the borrower or the debtor. Even priests will not find themselves experiencing the favor of YHWH to protect them any more than the rest of the people, and their inclusion here, in which the rest of the relationships are primarily socio-economic, suggests that Isaiah is also calling out the priests for economic abuses and oppression.

Of the prophets active in the 8<sup>th</sup> century B.C.E., the words attributed to Micah bring the harshest criticism of the behavior of the wealthy against the poor. As so often is the case in the writings attributed to the literary prophets, the exact details of the situations against which they proclaim are not described.<sup>18</sup> However, the woe-oracle that begins Mic 2 suggests that unjust lending practices leading to distress sales are, at the least, one aspect of the oppression:

Alas! The ones that devise wickedness and evil doing upon their couches!  
By the light of the morning, they do it because the power of it is in their hands.  
So, they covet fields and tear them away, and houses, so they take [them];  
they oppress a man and his house, a man and his inheritance! (Mic 2:1-2)

<sup>16</sup> Yee, “A Form-Critical Study of Isaiah 5:1-7,” 37-38.

<sup>17</sup> Chaney, “Whose Sour Grapes?” 109.

<sup>18</sup> Ehud Ben Zvi, *Micah*, 44, claims that the lack of a specific referent allows the complaint to have a timeless and broader application

As in Amos, it is the idle class that is planning oppression while at their ease, taking by force the land, houses, and inheritance of those who do not have the power to stop them. Those who work hard struggle to meet their basic needs, while those who have power and privilege do not have to labor and are free to spend their time scheming more oppression.

For Micah, this oppression is comparable to cannibalism:

And I said,  
Listen now, heads of Jacob and rulers of the house of Israel!  
Is it not for you to know justice?  
You haters of the good and lovers of evil,  
the ones who tear away the skin from them and flesh from their bones,  
who also eat the flesh of my people, strip off their skin from them, who break their bones  
and divide them as if for the pot, like flesh in a cauldron! (Mic 3:1-3)

The description of the pot in v. 3 could also be a cultic reference to an element of sacrificial paraphernalia.<sup>19</sup> While this has led to debate as to whether this is a reference to an actual act of human sacrifice, it is more likely that “Micah chooses the most gruesome and repellent action that any human can do to another as a description of their crimes,”<sup>20</sup> and that the use of a cultic pot is intended to indict the priests as among the leaders who are “haters of the good and lovers of evil.” This imagery does not allow the lender who gained from the oppression and misfortune of the poor to deny that their gain has come at the cost of others, even to the point that they are consuming the very existence of the poor. They took so much interest and property from the poor that they had consumed the resources they needed to survive and, in consuming their resources, had consumed the poor. The use of the imagery of cannibalism provides a stark contrast with the hunger experienced by the needy.

These practices are so abhorrent to YHWH that the sin has tainted Jerusalem. It will not just be the people, both privileged and poor, that will suffer the judgment but also the city and the land:

Listen now, to this, heads of the house of Jacob and rulers of the house of Israel,  
the ones who abhor justice and twist all that is right,  
the ones who build Zion with blood and Jerusalem with injustice!  
Her rulers judge by a bribe, her priests teach for a price,  
and her prophets divine for money, but upon YHWH they will lean saying,  
“Is not YHWH in our midst? No evil will come upon us!”  
Therefore, because of you, Zion will be a plowed field,  
and Jerusalem will be a heap of ruins and the mountain of the House for a wooded height. (Mic 3:9-12)

The leaders, including priests and prophets, those who should be leading the people in the worship of YHWH and building Jerusalem with justice, are abusing the poor. At the same time, they are “leaning

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<sup>19</sup> Francis I. Anderson and David Noel Freedman, *Micah*, 353.

<sup>20</sup> Anderson and Freedman, *Micah*, 355.

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upon” YHWH and proclaiming that they trust in YHWH to protect them from threats. In YHWH’s wrath, even the land upon which temple sits, the “mountain of the House,” will not be spared.

The prophetic work of Jeremiah is set in the backdrop of Judah at the end of the 7<sup>th</sup> through the beginning of the 6<sup>th</sup> century B.C.E. During this time, Egypt was no longer a rival of Assyria but rather had become a “*de facto* Assyrian vessel”<sup>21</sup> until Assyria’s fall when Egypt became a rival of Babylon with Judah set between the two powers. During this time, the kingdom of Judah may have experienced some brief periods of independence under the reign of Josiah and a period of shifting allegiances and vassalage under Jehoiakim.<sup>22</sup> Along with this independence came a degree of economic flourishing. While Jeremiah seems to focus primarily on the major international concerns and threats, reinterpreting them theologically,<sup>23</sup> the burden the international economic success had upon the poor did not escape his notice. Indeed, that burden played a role in his theological interpretation of events.

In Jer 5, the prophet declares that because of the disobedience of the people, God will punish the people of Jerusalem. Because Jeremiah also uses the prophetic language of metaphor, he does not mention specific acts of disobedience. There are clues within the text:

Your iniquities turn these things away, and your sins withhold the good from you!  
 For among my people are found wicked ones, who watch as crouched  
 Fowlers, they set a trap; they catch people!  
 Like a cage full of fowl, so their houses are full of deceit,  
 therefore, they have become great and rich. They are fat. They are smooth.  
 Moreover, they cross over matters of evil; they do not judge the case,  
 the case of the orphan so to cause [him] to thrive, and the justice of the needy they do not judge. (Jer 5:25-28)

The wicked ones are described as hunters and trappers, only it is not fowl that they are hoping to snare but people, and it is from these predatory activities that they have become wealthy. Again, the prophet does not spell out which acts of oppression the wealthy are committing beyond unjust courts where justice for the vulnerable and needy is perverted. However this abuse has come about, the complaint is that because the leaders “do not say in their hearts, ‘Let us now fear YHWH our God, the one who gives rain, the early rain and the latter rain, in its time, the one who keeps for us the prescribed weeks of harvest!’” (Jer 5:24), they have become “a society of rapacious exploitation, supported and legitimated by institutional structures.”<sup>24</sup> By not identifying the specific wrong committed against the needy, Jeremiah suggests that the wicked, like hunters, they use every tool available to “catch people.” They use dishonest weights and measures, take advantage of fluctuating market prices in their dealings with

<sup>21</sup> Philip J. King, *Jeremiah: An Archaeological Companion*, 15.

<sup>22</sup> Steed Vernyl Davidson, *Empire and Exile: Postcolonial Readings of the Book of Jeremiah*, 45-46.

<sup>23</sup> Cf. Walter Brueggemann, *To Pluck up, to Tear down: a Commentary on the Book of Jeremiah 1-25*, 2.

<sup>24</sup> Brueggemann, *To Pluck Up*, 65.

the needy, and use debt to oppress and add to their increase. Due to the perversion reaching to the very highest of levels, even the courts do not provide recourse for the poor and vulnerable.

Jeremiah also condemns the kings' economic policies while comparing their behavior with Josiah's acts of righteousness:

Woe to the one building his house without righteousness, and his upper chambers without justice  
 he works his neighbor for nothing, and for his work, he gives him nothing!  
 The one saying, "I will build for myself a house of size and with spacious upper chambers,"  
 and makes large windows for it, paneling it with cedar, and painting it with vermillion.  
 Shall you reign if you compete in cedar?  
 Did your father not eat and drink  
 and do justice and righteousness then it was well with him?  
 He judged the case of the poor and the needy; then it was well.  
 "Is this not the knowledge of me?" says YHWH.  
 For your eyes and your heart are only set on dishonest gain  
 and on shedding innocent blood, on extortion, and on oppression. (Jer 22:13-17)

These acts of oppression and enriching themselves at the expense of others are the reason for their individual downfalls as well as the downfall of the whole House of David. The unpaid labor—working their neighbor for nothing (עָבַד לְרֵעֵהוּ) and withholding their wages—is not defined as debt-slavery, though it may include that, but, as the oppressor is the king, it could be unjust *corvée*, meant not to benefit the people of Judah but serve the desires of the king. While the king adds luxurious features to his house: large windows, exotic woods, and expensive paints, those he works are driven further into need by not being compensated for their labor. The injustice that is the focus of this poem<sup>25</sup> is shown to be unnecessary. Josiah did justice, and YHWH rewarded him well for his care for the poor and needy through which he proved his knowledge of YHWH. Later in Jer 34, Josiah's last son to serve as king, Zedekiah, will be condemned along with all of Judah, for a false, or at least faulty, release of slaves, almost certainly debt-slaves.

## Debt in Ancient Mesopotamia

Ancient Near Eastern texts present similar problems and dangers as seen in the Hebrew Bible and a similar need for the corrective measures of the clean-slate acts. The following remarks will give an outline of the issues that are particularly pertinent with regard to the Hebrew Bible.

Interest-bearing loans and citizenry obligations meant that small subsistence households were required to do more than to provide the basic needs for their family and dependents. Interest-bearing loans took advantage of subsistence households who were already facing hardships, often due to the

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<sup>25</sup> Brueggemann, *To Pluck Up*, 192.



vagaries of nature inherent in agricultural life, even with reliable irrigation methods. As citizenry obligations, taxes took a share of the produce while *corvée* took from available labor. When these systems were abused, they could be detrimental to a household. Once a household fell behind in meeting their needs and obligations, whether loans or taxes, they became vulnerable to further exploitation as they fell into the debt-cycle. The end result of this would likely be either slavery or tenancy, in which they were free but dependent.

### *Interest-Bearing Loans*

In early periods of ancient Mesopotamia, life centered on divinely sanctioned city-states, with “each community being administratively and economically tied to a different temple estate or temple household.”<sup>26</sup> The temple estates<sup>27</sup> owned most of the resources of the city-state, including the arable land<sup>28</sup> which belonged to the patron god.<sup>29</sup> Within this scheme, high ranking individuals were granted subsistence plots, while lower-ranked individuals worked for the temple full-time and were provided for by the produce of the land that belonged to the temple. At first glance, this model may seem to be counter to interest-bearing loans, but Michael Hudson proposes that it is within this context that these loans first arose. He explains that “a widely permitted exception to traditions against profit seeking occurs when the gains are sought on behalf of institutions sanctified by the community to perform functions deemed socially necessary,”<sup>30</sup> and “the distinguishing feature of Mesopotamia’s early interest-bearing debts is that the most important creditors were the large institutions, not individuals acting on their own.”<sup>31</sup> While the creditors would eventually include wealthy individuals along with official agents,

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<sup>26</sup> Piotr Steinkeller, “Land-Tenure Conditions in Third Millennium Babylonia: The Problem of Regional Variation,” 290.

<sup>27</sup> According to Glenn R. Magid, “Temple Households and Land in Pre-Sargonic Girsu,” despite the term “temple” the functions of these were primarily economic rather than cultic. The use of the term “temple” to describe these estates has led to a debate on whether these estates were primarily cultic. However, it seems that the documentation “is as concerned with the care and feeding of the gods as it is with that of their world patrons” (322). On the basis of the archives of Girsu, Magid argues that the temple-state hypothesis, “stripped of its theocratic baggage,” remains the best description of the land tenure of southern Mesopotamia.

<sup>28</sup> Steinkeller, “Land-Tenure Conditions,” indicates that orchard land was treated differently from arable land and could be individually owned and even alienated, 294.

<sup>29</sup> Both Magid, “Temple Households,” 324 and Dietz Otto Edzard, “Private Land Ownership and its Relation to ‘God’ and the ‘State’ in Sumer and Akkad,” 113, observe that field names are formed GÁNA DN (DN = divine name), “field of DN.” Magid suggests this could be evidence of the field’s connection to the household of a particular god, to their temple estate, while Edzard rejects this as evidence of a temple estate. For a brief description of the central function of temples in early ancient Mesopotamia, see Claus Wilcke, “Early Dynastic and Sargonic Periods,” 48.

<sup>30</sup> Michael Hudson, “Reconstructing the Origins of Interest-Bearing Debt and the Logic of Clean Slates,” 12.

<sup>31</sup> Hudson, “Reconstructing the Origins,” 13.

a sense of social good and sanctification was initially necessary in order to establish the legitimacy of interest-bearing loans.

Once debt became normalized, not all loans were the same. Hudson points out that “commercial debts were forgiven when the merchandise was lost through no fault of the merchant; otherwise, merchants would have ended up in thrall to their creditors, deterring their enterprises accordingly.”<sup>32</sup> What is the difference, then, between the loans taken out by merchants in order to be able to purchase goods to trade and the loans taken out by the poor households in order to survive to the next harvest?

Unlike the shared risk of commercial loans to merchants in which shared profit was the goal, subsistence loans were not about making an immediate monetary profit, and according to Anne Goddeeris, these subsistence loans are the most common reason for loan contracts.<sup>33</sup> Instead, “the lender’s primary objective in advancing loans was to get possession of either the borrower’s labor or his land or often both.”<sup>34</sup> Given high interest rates, up to 40%,<sup>35</sup> high default rates,<sup>36</sup> and that the short term loans were usually due by the next harvest,<sup>37</sup> debtors would have been very vulnerable to defaulting.

Old Babylonian loan contracts often included pledges of either land and persons.<sup>38</sup> Pledged clauses could apply to both antichretic loans discussed below or to those which would the pledged would revert to the creditor at default.<sup>39</sup> By comparing the interest attested in the loans with the amount of produce that a households could reasonably pay while still having enough to provide for the subsistence needs of their family and meet any tax obligations, Steinkeller concludes that “in many (if not in all) of these [loan] transactions the lender’s real expectation was to get possession of the pledged

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<sup>32</sup> Hudson, “Reconstructing the Origins,” 29.

<sup>33</sup> See also Anne Goddeeris, *Economy and Society in Northern Babylonia in the Early Old Babylonian Period (ca. 2000-1800 BC)*, 387.

<sup>34</sup> Piotr Steinkeller, “The Ur III Period,” 48

<sup>35</sup> M. San Nicolò, “Darlehen,” RIA 2, 124.

<sup>36</sup> Nicolò, “Darlehen,” 125, though it should be noted that these penalties as well as interest rates, in practice, tended to exceed the legal limit. See also K. R. Veenhof, “Zins. B.” RIA 15, 314-15, who notes that, at least in the Old Assyrian period, higher rates did sometimes occur, up to 75%.

<sup>37</sup> Nicolò, “Darlehen,” 125.

<sup>38</sup> According to Burkhard Kienast, *Die Altbabylonischen Briefe und Urkunden aus Kisurrai, 1. Teil*, land pledges were more common in the earlier portion of the Old Babylonian period and pledges of persons in the later (77). Aaron Skaist, *The Old Babylonian Loan Contract: Its History and Geography*, cautions that that could be attributed to “accident of discovery” (203).

<sup>39</sup> Skaist, *The Old Babylonian Loan Contract*, (208-15). Skaist also mentions duration clauses in which the pledged was in the possession of the creditor until the debt was repaid, but he also observes that the creditor would have worked the pledge and that, therefore, it was an antichretic pledge (213-14). Note that the loan contracts do not specifically state that default would result in forfeiture of the pledge but “its automatic application is implied by clauses valuing the pledge at the level of the loan,” (Raymond Westbrook, “Old Babylonian Period,” 405.

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field, on account of the borrower's failure to repay the loan."<sup>40</sup> Stated differently, lenders often made loans with the hope that the desperate borrower, who had no choice but to take out a loan for survival, would default.

No later than the Old Babylonian period, usury had come to be viewed, as observed by Hudson, as being against the "social self-support system" that credit was meant to support and was viewed as an act of exploitation of those in need.<sup>41</sup> This does not mean that the practice had fallen out of use, as can be seen to be reflected in the Laws of Hammurabi.<sup>42</sup> In fact, the Laws of Hammurabi sets interest rates: 33% for grain and 20% for silver (LH gap ¶¶ t-u). The law code also presents the principle of forgiving loans defaulted on as a result of natural catastrophes, a form of protection against usury, at least in some circumstances:

If a man has a debt lodged against him, and the storm-god Adad devastates his field or a flood sweeps away the crops, or there is no grain grown in the field due to insufficient water-in that year he will not repay grain to his creditor: he shall suspend performance of his contract and he will not give interest payments for that year. (LH § 48)<sup>43</sup>

That the debt-tablet is washed not only negates the need to pay the creditor in the year of the catastrophe but completely erases the debt. As with much of the ancient Near Eastern law codes, there is no evidence that this precept was ever followed in practice or enforced, but it does demonstrate that the danger posed to subsistence households by interest-bearing loans were well understood.

Marc Van de Mieroop warns that not all subsistence loan arrangements were predatory. Credit arrangements were "essential in the exchange of goods in Mesopotamia."<sup>44</sup> Though most of these arrangements would resemble commercial rather than agricultural loans, Van de Mieroop argues that, at least in some cases, the producers would be included in these necessary and potentially positive—or at least neutral—transactions. Hudson also suggests that Steinkeller's interpretation of motivation need not have been the original purpose of charging interest. Instead, he understands the impoverishing of a large portion of the population through interest-bearing subsistence loans as the "unanticipated consequence of charging interest in the agricultural sphere."<sup>45</sup>

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<sup>40</sup> Steinkeller, "The Ur III Period," 53. See also Reuven Yaron, "Social Problems and Policies in the Ancient Near East," 21, in which he discusses the "truly omnivorous" nature of humanity's desire to acquire wealth and the particular "need" to enlarge land holdings. See also Goddeeris, *Economy and Society*, 387-388.

<sup>41</sup> Hudson, "Reconstructing the Origins," 12

<sup>42</sup> See Chapter 3, (57), for a brief discussion of the question regarding the function of the Laws of Hammurabi and whether they were intended to be followed as a strict legal code.

<sup>43</sup> Tr. Roth *Law Collections from Mesopotamia and Asia Minor*, 90.

<sup>44</sup> Marc Van de Mieroop, "Credit as a Facilitator of Exchange in Old Babylonian Mesopotamia," 171.

<sup>45</sup> Hudson, "Reconstructing the Origins," 28.

Interest-bearing loans created a dire problem for the subsistence households in ancient Mesopotamia. The vulnerability of an indebted household put the power in the hands of the wealthy who could exploit them to increase both their landholdings and their labor resources.

### *Taxes and Corvée*

In addition to subsistence needs and any loan payments, there were also obligations to the state which could contribute to a household's indebtedness and impoverishment. During the Old Babylonian period, the palace was considered the owner of all the land – including the arable land used by farmers, the land grazed by herds,<sup>46</sup> and even the waters fished.<sup>47</sup> Taxes served as a kind of rental or use fee. Renger describes the situation as follows:

The palace remained in control of agricultural land under a system of land tenure in which one portion of the land was distributed to individuals in the form of subsistence fields...with a minimum size of one bùr (= 6.5 hectare), enough to sustain a family. Holders of such fields were obliged to render military or labor services to the palace. Another portion of arable land...was assigned to individual tenants whose main obligation to the palace was to produce the grain (barley) needed by the palace.<sup>48</sup>

This form of taxation was crucial in order to pay craft persons and others who provided services to the palace.

In the earlier Third Dynasty of Ur, the administration was directly involved in the process of collecting debts and providing for the needs of subsistence households who had a bad harvest,<sup>49</sup> but in the Old Babylonian period, there was a degree of removal between the palace and the collection. The palace used agents through the credit arrangement described by Van de Meiroop above. These agents were obligated to provide a certain amount to the palace but were also allowed to profit from their tax collection activities, making this system vulnerable to abuse and exploitation. They were in the position both to over-tax the households in their territory and to provide loans to those households who fell into arrears. Through this abuse, "a citizenry indebted to royal collectors and other creditors were driven to

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<sup>46</sup> Johannes Renger, "Royal Edicts of the Old Babylonian Period—Structured Background," points out that the flocks also belonged to the palace, though shepherds would also have small flocks of their own to which they could add surplus lambs but from which they would be expected to make up a deficiency in the required quota (141).

<sup>47</sup> Goddeeris, *Economy and Society*, includes fish among the commodities controlled by the *Palastgeschäfte* (343) but also notes that due to the relative ease of acquisition, "We have only very meagre evidence for a commodity which must have been relatively common" (366). Fishermen are mentioned by Samsuiluna as those whose debts are forgiven in both the Letter of King Samsuiluna of Babylon to Etel-pi-Marduk and NBC 6311, a fragment of a clean-slate edict that probably dates to Samsuiluna's 8<sup>th</sup> regnal year (see Chapter 3, (58 and 61-62)).

<sup>48</sup> Renger, "Royal Edicts," 140.

<sup>49</sup> Piotr Steinkeller, "Money-Lending in Ur III Babylonia: The Issue of Economic Motivation," 116. Cf. Nicolò, "Darlehen," 125.

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pledge their property and families. No longer were they dependent on the palace, but on a group of entrepreneurs, who were building an excessive amount of power on their own.”<sup>50</sup>

While taxes took physical resources from subsistence households, *corvée* diverted labor resources. It took individuals away from working on their household’s land in order to provide labor for building projects or military service for the crown. A system of *corvée* can be viewed as a kind of democratic fairness if persons from all walks of life were required to serve and everyone contributes to necessary public works. Already in the Old Babylonian period, *corvée* was primarily a burden placed upon peasants, and part of being the justice required of king was to reduce the amount of *corvée* required.

In the prologue the Law of Lipit-Ištar (LL), the king boasts of creating a fairer distribution of *corvée*. We do not know what the requirement was before he reduced it to 70 days a year, only that this was part of his work of establishing justice “in the lands of Sumer and Akkad” (LL, i 55).<sup>51</sup> Renger interprets this as meaning that the 70 days of *corvée* was not per person but household. The days would be divided between the whole family: the father and his adult sons, or all of the brothers in a household in which the father has died but the property not divided between the sons.<sup>52</sup> That the *corvée* required was per household rather than per person suggests that those individuals who held property owned the land under the condition that they provide the appropriate amount of public service. Taxes and *corvée* were a way of enforcing the king’s ultimate ownership as their possession of the land could be forfeited if they did not meet their obligations.

For subsistence households, they needed to produce more than the produce needed to keep their household fed and provide resources for the following year. Households also had to be able to pay their citizenry obligations. *Corvée* could restrict the available labor to work their land since able-bodied hands had to spend a portion of their time working on other projects. Even when those the projects included ones necessary for the common good, they still reduced the labor available to individual households. Tax collectors would often increase the amount of taxes due in order to enrich themselves. The pressures on these subsistence households made them vulnerable to creditors in the event of a bad harvest or two.

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<sup>50</sup> Van de Mieroop, “A History of Near Eastern Debt?” 71.

<sup>51</sup> Tr. Roth, *Law Collections*. 25. For more on this, see the discussion of the Laws of Lipit-Ištar in ch. 3.

<sup>52</sup> Renger, “Royal Edicts,” 147.

## Consequences of Debt in Ancient Mesopotamia

Debt not only drew from the produce of a subsistence household but the consequences of debt both affected the freedom of the household and further reduced the resources available to them. Though households may sell small portions of land rather than all of it at once and dependents would have been sold rather than the *pater familias*, the loss of these would make it more difficult to break out of the debt-cycle.

### *Loss of Land*

Caches of documents from ancient Mesopotamia ranging over several periods provide a plethora of evidence regarding loans and the selling of property. Unfortunately, sale contracts rarely disclose the motivation behind sales of land. David C. Snell advises that “sales of land must always be assumed to have been made under extreme economic distress because the family was dispensing with part of its means of livelihood.”<sup>53</sup>

From the evidence of *tuppi mārūti*,<sup>54</sup> artificial adoption documents used to create a fictional familial relationship in order to transfer land, from Nuzi, probably from the 15-14<sup>th</sup> century B.C.E., Carlo Zaccagnini posits that:

The land parcels that were alienated (or in any case transferred) to third parties did not represent the entire real estate patrimony of the sellers, but only a share of it. ... the evidence provided by the Nuzi *tuppi mārūti* reflects a socioeconomic stage of the local peasantry marked by a progressive worsening of the self-suffering of small individual landowners, whose physical maintenance had to be ensured by other income in addition to those deriving from the exploitation of their own farmland.<sup>55</sup>

Zaccagnini goes on to hypothesize that his conclusions from Nuzi apply broadly to the ancient Near East. Economic forces created an exploited dependent class in which the sale of land held by subsistence households would have been a necessary expediency.

Its main tract is a disproportion between a relatively small number of large patrimonies owned by individual latifundists and a vast number of small plots of family land. In the former case, the agricultural activities carried out for the absentee landlords were performed by a subordinate workforce, *i.e.*, local peasantry residing on the spot. In many cases (the Nuzi and Neo-Assyrian evidence are quite instructive), there is clear evidence that these people were the former owners of the land, which they had to sell in order to settle

<sup>53</sup> Snell, *Life in the Ancient Near East*, 55. Cf. Renger, “Royal Edicts,” 139-162.

<sup>54</sup> See Zaccagnini, “Economic Aspects of Land Ownership,” 335-6.

For an example, see AASOR XVI 58 in which Eheltešup son of Kipaya is adopted by Uḫaptae son of Artura. Following the statement of adoption, Uḫaptae’s “inheritance-share” is listed as is the reward that Uḫaptae gives to Eheltešup in return for being adopted: forty minas of lead and eight sheep. Terms regarding the inherited land include Eheltešup working the land, showing that in addition to this being a fictional adoption for the transfer of land, in this case orchard land, it is also a *ditennu*, in which Eheltešup will work for Uḫaptae not for a set number of years but until the task is completed. (For tr. and commentary, E.A. Speiser, AASOR XVI, 108-09).

<sup>55</sup> Zaccagnini, “Economic Aspects of Land Ownership,” 336.

## Chapter 2: From Freedom to Slavery.

economic difficulties. In the latter case, the peasants' plots of land were directly exploited by the single-family group."<sup>56</sup>

Small property holdings, described by Zaccagnini as "peasants' plots of land," would constantly be under the threat of being joined, perhaps piece by piece, to the more substantial holdings<sup>57</sup> due to the indebtedness and desperation of subsistence households.

When alienation was not possible, either because of the nature of the land grant or because of layers of land ownership, the loss of usufruct could create the same kind of impoverishment as the loss of the land itself. When the land was used as a pledge, even though alienation was not permitted, and the debtor defaulted, the usufruct would belong to the creditor in lieu of the interest payments. With the debtor's resources thus drastically reduced by the loss of a portion of the produce, they may have to pledge further portions of their land. The indebted owner of inalienable land may eventually have had to work all of their property not for themselves and their household but their creditor, as seen above. Economic distress and indebtedness would lead to long-term dependency and the creditor having virtual ownership of the land.<sup>58</sup>

### *Loss of Freedom*

In addition to the loss of land, the inability to fulfill a debt obligation could result in the loss of freedom, either of a dependent or the head of the household. For some, tenancy, in which a person rented land from another and would have to make payments from the produce,<sup>59</sup> was a state that came prior to or in place of debt-slavery. A tenant would still be free but would be in danger of losing that freedom if they were unable to pay the rent. This could be a precarious position and perhaps a step between the loss of land and the loss of freedom, as increased indebtedness and the transfer of land to the creditor may be the cause for tenancy.<sup>60</sup>

Evidence for debt-slavery in the ancient Near East and the problem that it posed for indebted individuals can be seen within loan documents, particularly in the form of persons pledged as surety.

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<sup>56</sup> Zaccagnini, "Economic Aspects of Land Ownership," 338-39.

<sup>57</sup> cf. Snell, *Life in the Ancient Near East*. He argues that the analogy between the latifundization in latter Rome to the large estates that developed at various points in ancient Near East is faulty. His argument is primarily based on his understanding that without the police state needed to keep slaves from running away, the use of slave labor in agriculture was not practical (125). The picture painted by Zaccagnini is not necessarily dependent upon recognized slave labor but upon a system of dependency that Snell does recognize.

<sup>58</sup> See the discussion following Cornelia Wunsch's article "The Egibi Family's Real Estate in Babylon (6<sup>th</sup> Century BC)," in *Urbanization and Land Ownership in the Ancient Near East*, 408.

<sup>59</sup> Klengel, "Non-Slave Labour," 162, observes that from "about the reign of Samsuiluna, rent tended to be fixed, not in absolute terms but proportionately to the yield."

<sup>60</sup> Klengel, "Non-Slave Labour," 162.

Raymond Westbrook reports that during the Old Babylonian period, pledges made to secure a loan were frequently persons related to the borrower. These were persons who were not already slaves, such as a wife,<sup>61</sup> child, or even the borrower themselves.<sup>62</sup> In these cases, if the debtor were unable to repay the loan, then the pledged person would be seized and either sold to pay off the debt or would become slaves of the creditor. An example of this is seen most clearly in ARM 8 71:

X went surety for Y for 6 1/2 shekels of silver. W the wife of Y was assigned to X. If he does not pay the silver within 2 months, W wife of Y will be sold.<sup>63</sup>

If the wife set as a pledge was forfeited, she became a debt-slave and was subject to the treatment of a slave, that is she would have become a commodity and investment.<sup>64</sup> The Laws of Hammurabi seem to attempt to limit the treatment of slaves: showing mercy to the slave who ran away due to beatings (LH gap ¶ s)<sup>65</sup> and perhaps limiting the owner's right to discipline a slave (LH § 282).<sup>66</sup> Slaves could even own property, though it would revert to their owner upon their death (LH § 176a).<sup>67</sup> Though slaves had some protection and even certain economic rights, they were seen as less value than free persons, with their injuries resulting in financial settlements with their masters, as seen in LH §199, for example.

Pledged persons could be distrained if the debt was forfeited. Westbrook notes that while there may have been penalties if the distrainee died in custody due to maltreatment (LH §116), the creditor would have been tempted to maximize the threat of harm. The creditor would hope that through this pressure either the debt would be repaid or the debtor would sell his dependents or himself into slavery.<sup>68</sup>

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<sup>61</sup> Dependents would, in most cases, include a man's wife. Marten Stol, *Women in the Ancient Near East*, surveys women in the documents throughout the periods of the Ancient Near East, says that a wife could be used as collateral or security for their husband's debts (311-12) or sold to pay off debts (313), though marital contracts could prevent this use of a wife (311). He does discuss that in some periods (Old, Middle, and Neo-Assyrian), marriages of parity in which both parties had equal rights were more common than in others (200-201) but that in general the usual practice was that "a contract to marry was similar to a contract for sale" (200). So while there would have been exceptions, as a general rule, a man "owned" his wife and could sale her to pay for his debts or use her as collateral or pledge.

<sup>62</sup> Raymond Westbrook, "The Old Babylonian Period," 73.

<sup>63</sup> Tr. Westbrook, "The Old Babylonian Period," 74. See also, Georges Boyer, *Textes Juridiques*, 102-105, for the French translation.

<sup>64</sup> Andrea Seri, "Domestic Female Slaves during the Old Babylonian Period," 58. She goes on to explain that when the deaths of slaves occurred or when fugitive slaves are recorded the mentions "tend to be laconic and the details are usually kept to a minimum" (59). This means that for slaves in the Old Babylonian period, we cannot truly ascertain how they were treated in practice.

<sup>65</sup> Though there are gaps in this paragraph, according to Roth's translation, it seems that if a fugitive slave was captured, if the master beats them, they are not to be returned to their master. (Roth, *Law Codes*, 97).

<sup>66</sup> Westbrook, "Old Babylonian Period," 383, posits that LH § 282 limits the owner's right to discipline a slave who has denied his status to cutting off the slave's ear and only after proving his case in court.

<sup>67</sup> See Westbrook, "Old Babylonian Period," 383.

<sup>68</sup> Westbrook, "The Old Babylonian Period," 88-89.



## Chapter 2: From Freedom to Slavery.

Antichretic pledges of persons, in which a pledged person works for the creditor for a set tenure of service in the place of interest or until the debt is paid off, may not be slavery but has a similar result in the short term. Horst Klengel observes that through pledged or antichretic labor the creditor “consumed the labour of those indebted to him, who were consequently unable to dispose freely of their own manpower,”<sup>69</sup> which increased the risk of debt-slavery. In this case, it would be more profitable to continue to extend the debt rather than putting it into forfeiture, which would reduce the likelihood of the field or person being sold permanently.<sup>70</sup> While this kind of surety was not considered debt-slavery, it created an advantage for the creditor who would have an additional source of labor. For the debtor, this was still a loss of freedom or a loss of the labor of a dependent for the period of the debt. This loss could contribute to further indebtedness even if there were a layer of protection for the pledged person. Examples of these kinds of agreements include the documents found in Nuzi, for example, AASOR xvi 60-67,<sup>71</sup> in which, the person who enters into service, the amount of time, and the goods given in return for their service are listed.

The need for the wealthy to increase their available labor becomes evident already in the period of the Third Dynasty of Ur. As the wealthy amassed more extensive tracts of land, more hands would be needed to work that land. Creditors would not only want to foreclose on land to collect unpaid debts, but they would also need to take in slaves.<sup>72</sup> Steinkeller observes that “the more land [the] entrepreneur accumulated [through foreclosure], the more labor he needed to cultivate it. Therefore, he continued to expand his money-lending operations, with the expectation of procuring extra labor.”<sup>73</sup> Debt-slavery became a critical method for landowners to meet their need for cheap labor to make full use of the acquired land.

In order for debt-slavery to be a useful element of the economy, especially if such slaves would be expected to work in fields some distance from the house, an infrastructure would be necessary to

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<sup>69</sup> Klengel, “Non-Slave Labour,” 164-65.

<sup>70</sup> Westbrook, “The Old Babylonian Period,” 71-72, cf. Snell, *Life in the Ancient Near East*, 69.

<sup>71</sup> For example, in AASOR xvi 60, the individual (Zilikkushu son of Huya), seemingly the *pater familias*, entering into the temporary slavery and declares “If I am not available then Uzna may seize my sons, daughters, and wife, and the money and the compensation for him to Uzna they shall furnish” (tr. Jean Nougayrol, *Textes accadiens et hourrites des Archives Est, Ouest et Centrales*, 109-10).

<sup>72</sup> While slaves would require basic needs: food, housing, clothing, regardless of how they are acquired, a slave sold to pay off debt or a pledged person taken in forfeiture could be significantly cheaper than a purchased slave. According to Stol, “Sklave, Sklaverei. B,” 566, slaves could cost 13 or more shekels of silver. But as seen in the surety example above, the loan was for 6.5 shekels. Though debt-slaves would not be permanent in the event of being redeemed by the payment of the loan, automatic manumission, or a clean-slate act, they could be a source of cheap labor. This would be especially true if the debt-slave had been an antichretic pledge prior to the forfeiture.

<sup>73</sup> Steinkeller, “Money-Lending in Ur III Babylonia,” 117.

ensure that slaves did not run away. One such safeguard was “temporary slavery,” meant to prevent the loss of a pledged person before the debt came due.<sup>74</sup> The initial loan contract may include a secondary pledge that the debtor could be held responsible for the loss of income should the pledged person run away or otherwise be unable to work or pay for the daily pay of a hired worker until they provided a replacement:<sup>75</sup>

Wenn ... (PN) stirbt oder ent[kommt], wird er (S) von dem Feld (in der Flur) Enlil's-Gerste als Miete (pro Monat) ein Gur (Gerste) darmessen. Wenn er (S) [ihn (die Pfandperson) (dem Gläubiger) wegnimmt], wird ... [x] Minen Silber geben. (Kineast Kissura 203, 11-15)<sup>76</sup>

If she (the pledge) dies, flees, disappears, or falls ill, he (the debtor) shall compensate in full for her assigned work quota. (SLHF viii 3-10)<sup>77</sup>

The surety could also be used to keep a “temporary slave” from running away, particularly when they are on leave.<sup>78</sup>

In addition to the “temporary slavery” of pledged persons and debt-slavery through forfeiture or sale, a creditor in the Old Babylonian period had the right to distrain a dependent of the debtor or the debtor themselves. While the death of the distrained caused by abuse or mistreatment was frowned upon (LH §116),<sup>79</sup> distraint was most effective when it came with a real threat to the well-being of the distrained. B. Jackson and T. Watkins point out that the distrained could be held in either a debtors' jail or a workhouse, suggesting that the distrained would still be expected to provide labor.<sup>80</sup> The situation of distraint seems to have been dire enough to “extract an agreement from the debtor to sell himself or the members of his family into slavery in lieu of the debt, or to allow them to be sold to a third party.”<sup>81</sup>

<sup>74</sup> Snell, *Life in the Ancient Near East*, 69. It should be noted that Snell finds the necessity of these safeguards, even when acknowledging them evidence that slavery was not as economically important in the ancient Near East as most other scholars believe.

<sup>75</sup> Burkhardt Kienast, *Die Altbabylonischen Briefe und Urkunden aus Kisurra*, 92-94. See also, Martha Roth, *Scholastic Tradition and Mesopotamian Law: A Study of FLP 1287, A Prism in the Collection of the Free Library of Philadelphia*, 119-24.

<sup>76</sup> Tr. Kienast, *Die Altbabylonischen Briefe und Urkunden aus Kisurra*, 178-79.

<sup>77</sup> Sumerian Laws Handbook of Forms, tr. Roth, *Law Codes*, 53.

<sup>78</sup> Westbrook, “The Old Babylonian Period,” 78; 79. See Marc Van de Mieroop, “The Archive of Balmunamḫe.” Van de Mieroop notes that the highest number of texts from this archive in which a slave is released to their family on the basis of a pledge occur in the winter months, with the fewest being in the fall. This can be explained by the fact that “The most labor intensive agricultural activities take place in fall with the plowing and sowing of the fields and the date harvest. The winter months do not require a large number of laborers, since most of the time is spent on irrigation” (11).

<sup>79</sup> “If the distraintee should die from the effects of a beating or other physical abuse while in the house of her or his distrainer, the owner of the distraintee shall charge and convict his merchant. and if (the distraintee is) the man's son, they shall kill his (the distrainer's) son: if the man's slave, he shall weigh and deliver 20 shekels of silver; moreover, he shall forfeit whatever he originally gave as the loan.” Tr. Roth, *Law Codes*, 103.

<sup>80</sup> B. Jackson and T. Watkins, “Distraint in the Laws of Eshnunna and Hammurabi,” 417.

<sup>81</sup> Westbrook, “The Old Babylonian Period,” 89.

## Chapter 2: From Freedom to Slavery.

Agricultural societies were dependent on natural conditions. Even when technology such as irrigation helped to control for these risks, the danger of “acts of god” were an ever-present pressure. For subsistence households with small fields, the threat posed by a bad year would have been even more acute. Interest-bearing loans and citizenry obligations would add to their precarious situations. When creditors in ancient Mesopotamia, whether of subsistence loans or taxes, chose to take advantage of the debtors, the debt-cycle was a perpetual danger.

### Conclusion

Though very different times and places, debt was a problem common to the world behind the Hebrew Bible and the ancient Near East. Interest-bearing loans allowed the wealthy to take advantage of vulnerable subsistence households, and citizenry obligations drew from both produce and resources. As officials became responsible for collecting taxes, those officials became another potential source of abuse. The consequences of debt according to the Hebrew Bible and in the ancient Near East were also the same: loss of land, tenancy, and loss of freedom. The loss of land or the available labor of a dependent made it even more difficult to meet the needs of the following year. This created a debt-cycle in which the poor could spiral deeper into debt and dependency and ultimately slavery. The clean-slate tradition as found in the Hebrew Bible and in the decrees and edicts of the ancient Near Eastern kings seek to disrupt this cycle and to protect the weak and vulnerable from the strong and to protect society from a shrinking base of free citizen

## Excursus 1: Debt in Ancient Egypt

### General Survey

Despite the Memphis Decree of Ptolemy V, better known as the Rosetta Stone, clean-slate acts do not seem to have been common during earlier periods of Ancient Egypt, primarily because it was not necessary within the economic culture of Egypt. Those decrees that we have from the time of the Pharaohs do not feature debt as a central issue. Debt was not a common problem in ancient Egypt. Instead, according to Edward Bleiberg, as early as the Sixth Dynasty (c. 2374-54 B.C.E.), the Egyptian economy was based on a system of mutual aid. Loan documentation in any abundance is not known until the New Kingdom (c. 1569-1076 B.C.E.), and almost all of these come from Deir el Medinah. Even these represent a different kind of loan from what is seen in ancient Mesopotamia: "These documents reveal a loan system based on social solidarity whose participants were both debtors and creditors regardless of their social status. ... Loans took the form of obligations owed to neighbors, family, and co-workers, above all in times of need."<sup>1</sup> Members of communities took care of each other, with an understanding that those in a position to help now may themselves need help in the future.

This seemingly idealistic system of social solidarity and support was not always the case. Bleiberg observes that while this was the prevailing mores well into Dynasty 26 (664-525 B.C.E.), during the reign of Takeloth II of Dynasty 22 (844-19 B.C.E.) structural changes can be observed. It is during this period that high-interest loans are introduced into Egypt. It is also during this time that it first becomes possible that failure to pay back a loan, including interest, could result in either imprisonment or enslavement. According to Ogden Goelet, even then the state enforcement of these private loans with high interest rates did not happen until Egypt was under foreign rule, either under the first Persian domination or the Ptolemaic rule, likely "in response to a need to bring Egyptian laws into close conformity with those of its neighbors during a period of increasing international trade."<sup>2</sup> Therefore, the late loan system with interest and later state-enforcement can be seen as being something different from the native Egyptian system of loans and debts.

Of particular interest to the current project is the fact that there seems to be a fundamental difference in the motivation of giving loans in ancient Egypt as compared to ancient Mesopotamia. The

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<sup>1</sup> Edward Bleiberg, "Loans, Credit and Interest in Ancient Egypt," 257. Cf. Ogden Goelet "Fiscal Renewal in Ancient Egypt: Its Language, Symbols, and Metaphor," 282.

<sup>2</sup> Goelet, "Fiscal Renewal in Ancient Egypt," 281.

### Excursus 1: Debt in Ancient Egypt

need for additional labor in ancient Egypt was met almost entirely through the use of slaves taken in military conquests rather than individuals entering slavery because of debt. Rather than giving loans with the hopes of the debtor defaulting and acquiring land or labor, or both, Egyptians gave loans with a “general expectation that a debtor would reciprocate the same courtesy to his lenders when he or she experienced similar circumstances [of need].”<sup>3</sup> Within this system of social solidarity, terms were often better for the debtor when an individual made a loan to someone of higher social standing, but overall debt does not seem to be a pressing problem for the ancient Egyptian society. In describing the social structure of the Middle and New Kingdoms, Elizabeth Froom indicates that this economic interdependence and communal structure existed within both the community of neighbors and vertical relations, with the good treatment of subordinates understood as a way to stave off social conflict.<sup>4</sup>

The evidence that credit arrangements were verbal rather than written contracts demonstrates that this system of mutual assistance worked quite well and did not require much intervention. When there was a dispute over a loan, that dispute was recorded in writing, but as Bleiberg reports, there are very few of these disputes which are known.<sup>5</sup> The motivation for giving loans seems to be both an understanding of *Ma’at*, the Egyptian concept of “right order,” and an understanding that at some point the lender could be the one in need of assistance, such that the repayment of the loan was not of the highest priority under most circumstances.

### Debt-Slavery under Joseph - Genesis 47:13-26

This communal sharing economy raises the question of Joseph’s economic activities, as described in Gen 47. Even though the gathered surplus originally came from the population themselves, Joseph sales it back to them, and when they run out of money, the people of Egypt have to sale their possessions to Joseph for the grain. They first give their livestock as a pledge, which according to the text they bring to Joseph, thereby reducing their limited means to provide for themselves (vv. 16-17). The next year, it is their land they give in exchange and become slaves (עֲבָדִים) to Pharaoh (v. 19). While people argue that the people were already the slaves of Pharaoh, as he was the king, it is clear that Gen 47:19 is making a case the people are entering into a new status, though they seem to be happy with it and declare that Joseph has saved them (v. 25).

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<sup>3</sup> Bleiberg, “Loans, Credit and Interest in Ancient Egypt,” 264.

<sup>4</sup> Elizabeth Froom, “Social Structure and Daily Life: Pharaonic,” 474-75; 479.

<sup>5</sup> Bleiberg, “Loans, Credit and Interest in Ancient Egypt,” 261.

## Excursus 1: Debt in Ancient Egypt

Some scholars seek to justify Joseph's actions but tend to do so by ignoring the economic traditions and values of Egypt. David J. Fuller makes an argument that "the purpose and application of Joseph's debt-slavery was for the most part more benevolent than the situations described in" 1 Sam 8, Jer 34, and Neh 5. He does admit that Joseph's "resource distribution practices were less than ideal."<sup>6</sup> Victor P. Hamilton points to the text itself to justify Joseph's behavior, including the claim of v. 26 that Joseph's tax law of 20 percent was still in effect, according to the author.<sup>7</sup> He also points out that this section is likely a secondary insert into the Joseph Novella but gives no reason as to why a later redactor would have added it.<sup>8</sup> Expanding beyond the biblical record, Bill T. Arnold describes this as "significant social and economic changes in Egypt."<sup>9</sup> Joseph's scheme runs counter to the economic foundation seen throughout most of Egypt's history, and though this project cannot address the question, one must wonder why the author or redactor of the Joseph Novella not only had Joseph creating a new economic program but one that seems less just and more exploitative while seeming to cast it as a wise and just act.

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<sup>6</sup> David J. Fuller, "Debt-Slavery Passages in the Tanakh as a Lens for Reading Joseph's Enslavement of the Egyptians in Genesis 47:13-26: Explorations in Canonical Hermeneutics," 185.

<sup>7</sup> Victor P. Hamilton, *The Book of Genesis: Chapters 18-50*, 618-19.

<sup>8</sup> Hamilton, *The Book of Genesis*, 620. He does present various theories of other scholars for why Gen 47:13-26 would have been added to the Joseph Novella but does not put forth one himself.

<sup>9</sup> Bill T. Arnold, *Genesis*, 371.

# Chapter 3: Economic Justice and Clean Slate Traditions in Ancient Mesopotamia

## Introduction

Debt in ancient Mesopotamia could result in disorder. As citizens lost property and freedom, the taxation and corvée base would shrink while those individuals who were accumulating land and labor forces would increase in power. As an individual sold land or individuals to cover their debts or had land or individuals stand as surety, they would become increasingly vulnerable to the wealthy and powerful. It was the king's job to correct this disorder and, thereby, maintain the cosmic order.<sup>1</sup> To this end, the kings issued clean-slate decrees which cancelled debts, returned property sold in distress or seized to pay off debts, and freed debt-slaves.<sup>2</sup> These decrees were "a duty that the gods themselves expected of the new king."<sup>3</sup> As this suggests, clean-slate decrees were often declared shortly after a king ascended to the throne within his first regnal year,<sup>4</sup> though he could issue additional decrees as necessary.

By the Ur III period, *ama-ar-gi*, "return to the mother," was the technical term for manumission<sup>5</sup> that would be further expanded to include the clean-slate decrees.<sup>6</sup> In the Old Babylonian period, this was translated with the Akkadian *andurāru*, which the Chicago Assyrian Dictionary defines as a remission of debts or the canceling of slavery imposed upon free persons,<sup>7</sup> and is derived from *darāru*, "to become free, to move about freely, to run off."<sup>8</sup> These acts are also referred to by the

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<sup>1</sup> Beate Pongratz-Leisten, *Religion and Imperial Ideology in Assyria*, 211. She points out that since humans were created to serve the gods, the "implicit purpose for the maintenance of social order was to guarantee the performance of human labor in the service of the gods."

<sup>2</sup> Raymond Westbrook, "Old Babylonian Period," p. 407.

<sup>3</sup> Dominique Charpin, "'I Am the Sun of Babylon': Solar Aspects of Royal Power in Old Babylonian Mesopotamia," 72.

<sup>4</sup> The first regnal year may be the second year of a king's reign, as the king was not fully recognized until after the *akītu* festival, these years still tend to be marked as year 2 in the modern ordering of year-name formula discussed below. This could mean that a king could have ruled for almost a year before the first regnal year would have begun. It is only with Hammurabi and his successors is there clear evidence that these edicts happened at this specific time point during a king's reign, see below.

<sup>5</sup> PSD, A III, 208f. Note that alternative forms are listed, including *ama-ar-gi* and *ama-gi*.

<sup>6</sup> N. P. Lemche "Andurārum and Mīšarum: Comments on the Problem of Social Edicts and their Application in the Ancient Near East," 16, 18.

<sup>7</sup> CAD, A/2, 115f. It should be noted that CAD defines the remission of debts as those of a commercial nature, counter to the majority of scholars that refer to subsistence debts.

<sup>8</sup> CAD, D, 109.

broader Assyrian term, *mīšarum*, “justice,” (Sum. *níg.sí.sá*)<sup>9</sup> during the Old Babylonian Period, as they are “a legislative act to remedy certain economic malfunctions.”<sup>10</sup> As this term for justice is derived from *ešēru*, a verb with a large semantic range around the idea of setting things in right order, including but not limited to justice, or to make something straight.<sup>11</sup> The form of justice described as *mīšarum* does not refer only to clean-slate decrees but rather to the “performance of royal justice and correcting iniquitous situations” that guaranteed cosmic order.<sup>12</sup> Dominique Charpin compares this aspect of justice with *kittum*, another form of justice also required of a king, which reflects truth, stability, correctness, or “normal state.”<sup>13</sup> “Hence, the king had to assure respect for ownership and the repayment of debts,” but he also had to “correct iniquitous situations.”<sup>14</sup>

Clean-slate acts were common throughout ancient Mesopotamia up through the Old Babylonian period. These acts were so crucial that, according to Beate Pongratz-Leisten, the apparent discontinuation of this tradition after the Old Babylonian period resulted “in gross social inequalities that had the potential to produce dramatic demographic changes.”<sup>15</sup> Though the only surviving edicts are from the Old Babylonian period, the tradition precedes the Babylonian empire. This chapter will survey evidence for clean-slate acts from the time of Ur-Namma, founder of the Third Dynasty of Ur; Lipit-Ishtar and Ur-Ninurta of Isin; and the Old Babylonian kings: Sumulael, Sabium, Hammurabi, Samsuiluna, Abiesuh, Ammiditana, and Ammisaduqa. Of this evidence, only three edicts have survived: an edict of Samsuiluna, known from fragments; an “Edict X,” also known from fragments and with uncertain attribution, though sometimes attributed to Ammisaduqa’s father Ammiditana; and the Edict of Ammisaduqa, which has been almost completely recovered.

This brief survey of the clean-slate acts, both the evidence and the surviving edicts, will allow us to develop an understanding of the clean-slate acts that includes their cultural and religious context and the final Old Babylonian form these acts took. Though no edicts have survived from either the Third Dynasty of Ur or Isin, the prominence of these acts among the duties required of the king by the gods are demonstrated in the law codes and year name formulas. This background will provide the basis for comparison with the Biblical clean-slate acts.

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<sup>9</sup> For *níg-sí-sá* as the equivalent of *mīšarum*, and specifically in the context of clean-slate acts, see P. Attinger, “Schuldenerlass,” 292.

<sup>10</sup> CAD, E, 116f.

<sup>11</sup> CAD, G, 352f.

<sup>12</sup> Pongratz-Leisten, *Religion and Ideology*, 211, fn. 53.

<sup>13</sup> CAD, K, 468f.

<sup>14</sup> Dominique Charpin, *Writing, Law, and Kingship*, 83.

<sup>15</sup> Pongratz-Leisten, *Religion and Ideology* 58; cf. Mario Liverani, “The Rise and Fall of Media.”



**Ur-Namma (regnal years: 2112-2095 B.C.E., Ur):**

c. 2100 B.C.E.

*Laws of Ur-Namma*

Source: Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, 2d ed., 13-22

Text: Laws of Ur-Namma (LU)

[At that time. (I)]. Ur-Namma. [mighty warrior, lord of the city of Ur, king of the lands of Sumer and] Akkad, [by the might] of the god Nanna, my lord, [by the true command of the god Utu(?)], I established [justice in the land(?)].

[...] I returned. I established freedom for the Akkadians and foreigners(?) in the lands of Sumer and Akkad, for those conducting foreign maritime trade (free from) the sea-captains, for the herdsmen (free from) those who appropriate(?) oxen, sheep, and donkeys.

At that time, by the might of Nanna, my lord, I liberated (*ama-ar-gi<sub>4</sub>*) Akshak. Marad, Girkal. Kazallu, and their settlements, and Ušarum, whatever (territories) were under the subjugation of Anshan. (LU A i 104-34)<sup>16</sup>

Of this law code, only the prologue and fewer than 40 laws are preserved, and reconstruction comes from three sources.<sup>17</sup> The prologue proclaims the king's success at establishing justice and freedom and contains elements common to the other law codes that will be examined here: celebrating the king's appointment by the god, his cultic devotion, his establishment of economic justice, and his protection for the weak. The Laws of Ur-Namma covers issues that range from capital offenses, including murder; sexual violations; and injury to persons and property.

Ur-Namma not only declares that his actions were done through the might of the gods but that the gods were the source of his justice and wisdom. Beyond that, he also claims filiation with the gods as the son of the goddess Ninsun (LU A i 31-42), the same goddess who is named as Gilgamesh's mother in the Epic of Gilgamesh (The Epic of Gilgamesh I 267-270).<sup>18</sup> Ur-Namma is not just related to the gods but to the legendary king, a connection commonly claimed by the kings of the Third Dynasty of Ur.<sup>19</sup> While Pongratz-Leisten's focus is on the kings' familial ties with the gods through marriage, she observes that "in ancient Near Eastern religious systems, relational patterns of filiation (parents-children), collateral kinship (common ancestor), and brotherhood, or alliances with goddesses in the form of adoption, nursing, or sacred marriage are common metaphors for expressing the interaction between the human

<sup>16</sup> Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, 2d ed., 15-17.

<sup>17</sup> Roth, *Law Collections*, 13-14. Note that she proposes that the material labeled LX (a law code of an unknown king) could potentially be the last twenty laws of LU and the epilogue. It is also possible that despite the way the three sources are labeled that they come from two sites rather than three.

<sup>18</sup> Trans. Benjamin R. Foster, *The Epic of Gilgamesh*, 2<sup>nd</sup> ed., 11.

<sup>19</sup> Foster, *Epic of Gilgamesh*, xii.

sphere and the gods. This is especially true for the divine selection of the king.”<sup>20</sup> Though it is the god Nanna that is made the king of Ur (LU A i 31-42) and to whom Ur-Namma gives credit for his actions, Ur-Namma being Ninsun’s son and “house-born slave” provides the basis for his selection according to the prologue.<sup>21</sup> That he is described as a “house-born slave” emphasizes that he is serving as servant to the true king Nanna, that he serves as a the gods’ regent.

The use of the technical term *ama-ar-gi<sub>4</sub>* in relation to “Akshak. Marad, Girkal. Kazallu, and their settlements, and Ušarum, whatever (territories) were under the subjugation of Anshan” (LU A iii 125-34, C I 1-10) indicates that while Ur-Namma is likely commemorating the issuance of a clean-slate decree when he declares that he established freedom (LU A iii 114-24), he is also “returning” these regions to a state of freedom through military or political means.<sup>22</sup> Johannes M. Renger argues that these two sections include a release from positions of servitude along with other forms of economic domination as Ur-Namma “claims to have freed from indenture Akkadians and foreigners living in Sumer and Akkad, to have abolished the control of the [harbor masters] over those conducting foreign trade, and to have abolished the control of those appropriating (or better confiscating) oxen, sheep and donkeys from the herdsman.”<sup>23</sup> According to Mario Liverani the law code is based on previous clean-slate decrees but also that through creating a uniform system of justice, “the code demonstrated how well organized Ur-Namma’s reign was.”<sup>24</sup> While this may mean that the clean-slate decree the prologue refers to was limited to this region, the rest of the prologue emphasizes that Ur-Namma was the king of all Sumer and Akkad and that he established justice (*níg-si-sá*) and freedom for all of Sumer and Akkad including foreigners (A iii 114-24). If the clean-slate decree here commemorated is universal, that is atypical, as will be seen below, but may be a part of Ur-Namma’s program of uniform organization and unification.

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<sup>20</sup> Beate, Pongratz-Leisten, “Sacred Marriage and the Transfer of Divine Knowledge: Alliances between the Gods and the King in Ancient Mesopotamia,” 51. See also Wolfgang Fauth, “Diener der Götter – Liebling der Götter: Der altorientalische Herrscher als Schützling höherer Mächte,” 217.

<sup>21</sup> For a description of the god(s) choosing the king from among many people to find a suitable person who is worthy of the favor of the god(s), particularly as it applies to Ur-Namma, see Esther Flückiger-Hawker. *Urnamma of Ur in Sumerian Literary Tradition*, 48f and her translation of Urnamma B 4-6 (188).

<sup>22</sup> See Roth, *Law Collections*, 13, in which she describes Ur-Namma’s acts of liberation and reunification. Cf. Flückiger-Hawker. *Urnamma of Ur*, 1f, for a description of the rise of Ur-Namma from a “military governor” of Ur to the founder of a new dynasty and establishment of the Ur III state.

<sup>23</sup> Johannes M. Renger, “Royal Edicts of the Old Babylonian Period—Structured Background,” 144.

<sup>24</sup> Mario Liverani, *The Ancient Near East: History, Society and Economy*, 159.

**Lipit-Ištar (regnal years: 1934-1924 B.C.E., Isin)<sup>25</sup>**

c. 1930 B.C.E.

*Laws of Lipit-Ištar*

Source: Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, 2d ed., 23-25

Text: Laws of Lipit-Ishtar (LL)

At that time, the gods An and Enlil called Lipit-Ishtar to the princship of the land—Lipit-Ishtar, the wise shepherd, whose name has been pronounced by the god Nunamnir—in order to establish justice in the land, to eliminate cries for justice, to eradicate enmity and armed violence, to bring well-being to the lands of Sumer and Akkad.

At that time, I, Lipit-Ishtar, the pious shepherd of the city of Nippur, the faithful husbandman of the city of Ur, he who does not forsake the city of Eridu, the befitting lord of the city of Uruk, the king of the city of Isin, king of the lands of Sumer and Akkad, the heart's desire of the goddess Inanna, by the command of the god Enlil, I established justice in the lands of Sumer and Akkad.

At that time, I liberated ([am]a-ar-gia) the sons and daughters of the city of Nippur, the sons and daughters of the city of Ur, the sons and daughters of the city of Isin, the sons and daughters of the lands of Sumer and Akkad, who were subjugated [by the yoke(?)], and I restored order. (LL i 20 – ii 15)<sup>26</sup>

Lipit-Ištar was a ruler of the Isin Dynasty (1934-1924 B.C.E.) whose law collection (LL) has survived, primarily in tablets. Of the Laws of Lipit-Ištar, we have a prologue, an epilogue, and 50 laws that come from more than a dozen manuscripts, most of which come from Nippur and are likely scribal exercises.<sup>27</sup>

For Lipit-Ištar, the relationship between king and goddess becomes that of beloved. Though the god Nunamnir is the one who named Lipit-Ištar, rather than a goddess serving as midwife, his primary connection to the gods is through his status as “the heart's desire of the goddess Inanna” (i 38-55 [A ii 14 – iii 8]). According to Pongratz-Leisten:

This sexual metaphor allowed Inanna to confer the divine blessing on the king in her capacity as the divine assembly's representative, thereby establishing the king's intimate relationship with the divine world and granting him his share of divine knowledge. Inanna's blessing was an expression of Enlil's and An's approval of the king's correct performance of his royal duties, which entailed the proper care for the cult of the gods.<sup>28</sup>

This relationship not only proves the king's worthiness as the recipient of the wisdom and justice from the gods but also provides the foundation for the relationship to continue into the future. This

<sup>25</sup> See Marcel Sigrst, “Lipit-Ištar,” RIA 7, 28f, in which he notes the alternative spelling Lipit-Eštar, which he uses. Roth in her translation of his law code uses the spelling Lipit-Ishtar. I will be using Lipit-Ištar outside of their translations or quotations.

<sup>26</sup> Trans. Roth, *Law Collections*, 25.

<sup>27</sup> Roth, *Law Collections*, 24. Due to the condition of some of the manuscripts, there are difficulties in reconstructing LL that might even include segments that do not belong with LL.

<sup>28</sup> Pongratz-Leisten, *Religion and Ideology*, 335.

description can also be seen in the hymn, “Lipit-Ištar, King of Justice, Wisdom and Learning,” (Lipit-eštar Hymn B (Li B)), in which he is described as the “longed-for husband of Inanna” (Li B 16).<sup>29</sup> It is why he is worthy to serve as the prince and shepherd under the true ruler, here the goddess Ninisina, as “the sole, omnipotent, and omniscient representative of god upon earth.”<sup>30</sup> Even so he remains subordinate to the gods, serving as the regent of Ninisina.

The use of the term *ama-ar-gi<sub>4</sub>* here describes the liberation of the sons and daughters of Nippur, Ur, Isin, and the lands of Sumer and Akkad. Along with the year names Lipit-Eštar E and F below, this seems to be a clear reference to a clean-slate decree. Walther Sallaberger suggests that in addition to a clean-slate decree that this act also served as a universal decree that their services of the liberated would be, henceforth, to the crown of Isin.<sup>31</sup> It is also here that particularity may be seen in the issuance of the clean-slate decree. Though the prologue goes on to end the list of those liberated with the “sons and daughters of the lands of Sumer and Akkad” and the year name formulas below say simply Sumer and Akkad, three specific cities are singled out: Nippur, Ur, and Isin, which may suggest that the clean-slate decree was not for the whole realm but rather focused on the “three favored cities” of Nippur, Ur, and Isin.<sup>32</sup>

Year?

Source: Marcel Sigrist, *Isin Year Names*, 28.

Text: Lipit-Eštar A Ba (UET I 233; YOS 13 315=RA 33 p. 26, n. 52)

Year, Lipit-Eštar made justice in Sumer and Akkad.<sup>33</sup>

Year?

Source: Marcel Sigrist, *Isin Year Names*, 28.

Text: Lipit-Eštar F Aa (UET I 224)

Year, after the year Lipit-Eštar the king released the arrears of Sumer and Akkad...<sup>34</sup>

<sup>29</sup> Reconstruction and trans. H. L. J. Vanstiphout, “Lipit-Eštar's Praise in the Edubba,” 37.

<sup>30</sup> Simo Parpola, “International Law in the First Millennium,” 1051. While Parpola is referring to the propaganda of later kings, this description also applies to presentation of Lipit-Ishtar among other kings from earlier periods.

<sup>31</sup> Walther Sallaberger, “Der ‘Prolog’ des Codex Lipit-Eštar,” 19. See also Roland Boer, “Biting the Poor: On the Difference between Credit and Debt in Ancient Israel and Southwest Asia” 4-5, who argues that the manumission of slaves was not an act of justice, but an act of restoring the palace’s control over rents and labor.

<sup>32</sup> Renger, “Royal Edicts,” 150.

<sup>33</sup> Trans. Sigrist, *Isin Year Names*, 28.

<sup>34</sup> Trans. Sigrist, *Isin Year Names*, 28. He reconstructs Lipit-Eštar E from this, changing “Year, after the year” to “Year,” but otherwise keeping the same wording. Cf. Jean-Marie Durand, “À propos de noms d’années d’Isin paleo-

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Year name formulas serve the important role of situating a document or event within the reign of a king, but they do so by referring to the most significant accomplishment of the king that year rather than simply setting the date as the x<sup>th</sup> regnal year of the king. As the example of Lipit-Eštar F above shows, not every year contained an accomplishment significant enough to be commemorated with a year name so that the formula “year, after the year” (*ús-sa*) was employed.

Regarding the year name formulas for Lipit-Ištar, “no order of chronological classification could be proposed”<sup>35</sup> outside of that provided by the *ús-sa* formula. It should also be noted that while Lipit-Eštar F seems to describe a clean-slate decree, neither it nor Lipit-Eštar A use the term *ama-ar-gi*. Martha T. Roth proposes that the establishing of justice in Sumer and Akkad in the Lipit-Eštar A year name could be a reference to the erection of the monument(s) on which the Laws of Lipit-Ištar were inscribed, as the same language is found in the prologue of the Laws of Lipit-Ištar above.<sup>36</sup> When, combined with the evidence from the Laws of Lipit-Ištar, however, there is good reason to understand these to refer to at least one clean-slate decree.<sup>37</sup>

#### Ur-Ninurta (regnal years: 1923-1896 B.C.E., Isin)

Year?

Source: Marcel Sigrist, *Isin Year Names*, 29.

Text: Ur-Ninurta A Ba (ARN 2)

Year, Ur-Ninurta the king set free forever the citizens of Nippur (from the corvée) for Enlil and released the arrears which they were bearing on their necks<sup>38</sup>

This formula is also found as the date in a document of sale of a field for full price (IB 1389, 20-25).<sup>39</sup> It is also important to note that while this does seem to have been a clean-slate decree for Nippur, it is part of a larger restoration of the rights of a temple city as the corvée is permanently alleviated for

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babyloniens,” 26, in which he proposes, on the basis of Lipit-Eštar F to reconstruct Lipit-Enlil n°185 as using the same language found here.

<sup>35</sup> Sigrist, *Isin Year Names*, 6. Though chronological classification is impossible, according to Sigrist, for these year name formulas and those following Lipit-Ištar, Sigrist consistently puts those year names that could refer to clean-slate acts in the second position.

<sup>36</sup> Roth, *Law Collections*, 23.

<sup>37</sup> Liverani, *The Ancient Near East*, 192 lists Lipit-Ištar, Ur-Ninurta, Erra-imitti, and Enlil-bani as “kings that released remission edicts” regardless of potential ambiguity in some of the year name formulas that refer to clean-slate acts.

<sup>38</sup> Trans. Sigrist, *Isin Year Names*, 29.

<sup>39</sup> Claus Wilcke, “Neue Quellen aus Isin zur Geschichte der Ur-III-Zeit und der I. Dynastie von Isin,” 314f.

the sake of the god Enlil. This pattern will be seen in the clean-slate decrees of Esarhaddon discussed in chapter 4.

### Sumulael (regnal years: 1880-1845 B.C.E., Babylon)

Year?

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 62.

Transliteration: YNB II 6411; BM 17497

*mu su-mu-la-èl mi-ša-ra-[am iš-ku-nu]*<sup>40</sup>

Year, Sumulael [established] just[ice].<sup>41</sup>

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 62.

Transliteration: YNB II 6412; BM 92636A

<mu> *wa-ar-ki su-mu-la-èl mi-ša-ra-am iš-ku-nu*<sup>42</sup>

Year after, Sumulael established justice.

### Sabium (regnal years: 1884-1831 B.C.E., Babylon)

Year?

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 73.

Transliteration: YNB II J 6417; BM 17084

*šanat(MU) wa-ar-ki šar-ru-um mi-ša-ra iš-ku-nu*<sup>43</sup>

Year after, the king established justice.

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 73.

Transliteration: YNB II J 6418; BM 17084A

*šanat(MU) wa-ar-ki šar-ru-um mi-ša-ra-[am] iš-ku-nu-ú*<sup>44</sup>

Year after, the king established just[ice].

<sup>40</sup> Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 62.

<sup>41</sup> Translation assistance for Sumulael and Sabium year names provided by Takayoshi Oshima.

<sup>42</sup> Horsnell, *The Year-Names Babylon* II, 62.

<sup>43</sup> Horsnell, *The Year-Names Babylon* II, 73.

<sup>44</sup> Horsnell, *The Year-Names Babylon* II, 73.

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According to Malcolm Horsnell, prior to Hammurabi, year dates dealing with clean-slates such as those for Sumulael and Sabium, “should be understood as ‘informal’ formulae not sanctioned as official formulae by the central administration.”<sup>45</sup> This informal nature stems not just from the fact that that none of the existing or reconstructed official date-lists include these year names but also from the grammatical and contextual differences: 1) Some of the formulas referring to clean-slate decrees do not begin with an initial *mu* but follow the conjunction *warki* which is both unexpected for an official formula and would make it a subordinate clause as in the second example above, and 2) they do not stand in the final position on the tablets of which they are a part, where an official year name would be expected.<sup>46</sup> This means that these year names often cannot be assigned to any particular year.<sup>47</sup>

Though unofficial, the use of year names that refer to clean-slate decrees in these loan documents suggests that the decree and its date were relevant to the document. That it is to say that, the authors intended to establish that the contract was written after the decree and was, therefore, not affected by it.<sup>48</sup>

### Hammurabi (regnal years: 1792-1750 B.C.E., Babylon)<sup>49</sup>

Hammurabi 2

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 106.

Reconstruction: YNB II 104 Ha 2 9104

The year: Hammurapi, the king, established equity (*nì-si-sá*) (and freedom (*ama-ar-gi*))<sup>50</sup> in the (midst of) his land <for> DN(?)<sup>51</sup>

The official year-name formulas of Old Babylon only seem to include clean-slate decrees beginning with Hammurabi.<sup>52</sup> The innovation of including clean-slate decrees in official year name lists

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<sup>45</sup> Horsnell, *The Year-Names, Babylon* II, 8.

<sup>46</sup> Horsnell, *The Year-Names, Babylon* II, 9. See also 146-147 for a description of the forms of Year-Name dates in documents.

<sup>47</sup> Horsnell, *The Year-Names Babylon* II, 73, fn. 41.

<sup>48</sup> Anne Goddeeris, *Economy and Society in Northern Babylonia in the Early Old Babylonian Period (ca. 2000-1800 BC)*, 318

<sup>49</sup> Hammurabi's name is sometimes spelled Hammurapi. I will preserve the spelling used by the translators but use Hammurabi myself.

<sup>50</sup> The reconstruction of *ama-ar-gi* here seems to be, at least in part, based on the partial formulas, Horsnell, *The Year-Names Babylon* II, 106.

<sup>51</sup> Trans. Horsnell, *The Year-Names Babylon* II, 106.

<sup>52</sup> Goddeeris, *Economy and Society*, 318. She proposes that prior to Hammurabi “the early Old Babylonian kings proclaimed a *mīšarum* edict at unannounced moments, and not when ascending the throne, as became the custom during the second half of the Old Babylonian period.

makes clear that the clean-slate decree came to have the same level of importance as victories and building projects.

c. 1750 B.C.E.

#### Laws of Hammurabi

Source: Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, 2d ed., 71-142

Text: Laws of Hammurabi (LH)

At that time, the gods Anu and Enlil, for the enhancement of the well-being of the people, named me by my name: Hammurabi, the pious prince, who venerates the gods, to make justice prevail in the land, to abolish the wicked and the evil, to prevent the strong from oppressing the weak, to rise like the sun-god Shamash over all humankind, to illuminate the land. (LH i 27-49)<sup>53</sup>

When the god Marduk commanded me to provide just ways for the people of the land (in order to attain) appropriate behavior, I established truth and justice as the declaration of the land, I enhanced the well-being of the people. (LH v 14-24)<sup>54</sup>

The Laws of Hammurabi, the most well-known of the ancient Mesopotamian law codes, is known from many exemplars. The black stone stele, excavated from the ancient Elamite town of Susa, is the most complete and forms the basis of every edition.<sup>55</sup> Though the most famous of the law codes, it follows in the genre of those that came before it. Like the Laws of Ur-Namma and the Laws of Lipit-Ištar, Hammurabi begins by recounting how Anu and Enlil set Marduk as “the supreme power over all peoples” and only then was Hammurabi, “the pious prince, who venerates the gods” set like Šamaš to rule over and illuminate all of humanity.

The Laws of Hammurabi would have most likely been written toward the end of his forty-three-year reign,<sup>56</sup> and unlike the Laws of Ur-Namma and Lipit-Ištar, the Laws of Hammurabi do not make explicit reference to a clean-slate decree. Despite this absence, J. J. Finkelstein argues that there is a connection between the Laws of Hammurabi and his earlier clean-slate decree:

The most tangible and (relatively) effective of a king's accomplishments in this direction was the *mīšarum* proclaimed at the beginning of his reign, and it is therefore only natural that he should hark back to it when he drafted his "code." Thus among the many classes of "rules" that comprise LH—many of which amount to little more than moral pronouncements without any intention or possibility of implementation there are included some which seem to have been intended as economic reforms of a permanent nature, e.g. §§"L" - 100 and perhaps the various wage scales and fees included among the rules 215-277. Such rules may well

<sup>53</sup> Roth, *Law Collections*, 76-77.

<sup>54</sup> Roth, *Law Collections*, 80-81.

<sup>55</sup> Roth, *Law Collections*, 73.

<sup>56</sup> Roth, *Law Collections*, 71.



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have formed part of the original *mīšarum* complex of enactments either in the form in which they are preserved in the "code" or in paraphrase.<sup>57</sup>

Charpin also suggests that the Laws of Hammurabi drew upon actual instances of the king's justice. On the basis of a letter from Hammurabi (AbB xiii, 12), in which Hammurabi orders that thieves and witnesses be brought before him,<sup>58</sup> Charpin argues that "Hammurabi wanted to investigate the matter personally. It is likely that section 21 of the code resulted from the sentence the king issued at the end of his inquiry."<sup>59</sup> If Charpin is correct, then Finkelstein's proposal of the influence of an earlier clean-slate decree on the Laws of Hammurabi fits in well with this trend.

There can be little doubt that the Laws of Hammurabi and the earlier law codes discussed above were meant to be attestations of the king's justice. According to Kathryn E. Slanski, the stele, with its imagery and inscription "was intended to carve out an enduring public space for the contemplation of justice. That public space, dominated by Hammurabi's monumental stele, served simultaneously as the setting for both the verbal and visual perpetuation of Hammurabi's memory, as guided by the text and relief sculpture of the Stele."<sup>60</sup> Though there is little evidence that the Laws of Hammurabi were cited in legal decisions or contracts, by inscribing the laws, the written word gained "permanence and publicity and an independent existence; they became reified."<sup>61</sup> Through laws drawn from Hammurabi's own decisions, his clean-slate decree, and earlier law codes, along with laws that were hypotheticals arrived at through scientific means and meant to elucidate legal concepts, Hammurabi demonstrated not just his justice but his wisdom.<sup>62</sup>

Despite the distance in time between Hammurabi's clean-slate decree at the beginning of his reign and the composition of his law code, the Laws of Hammurabi not only reaffirm the king's god-given duty to pursue justice with the sense of justice and wisdom that they themselves bestowed upon him but contain echoes, perhaps even directly representative concepts, derived from his earlier decree.

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<sup>57</sup> Finkelstein, "Amīšaduqa's Edict and the Babylonian 'Law Codes'," 103.

<sup>58</sup> See W. H. Van Soldt, *Letters in the British Museum, Part 2*, 15 for the translation of this letter.

<sup>59</sup> Charpin, *Writing, Law, and Kingship*, 73. Westbrook, "Introduction," 27 also states that Hammurabi's letters "reveal a deeply personal involvement of the king in day-to-day matters."

<sup>60</sup> Kathryn E. Slanski, "The Law of Hammurabi and Its Audience," 109.

<sup>61</sup> Marc Van De Mieroop, *Philosophy Before the Greeks: The Pursuit of Truth in Ancient Babylonia*, 178.

<sup>62</sup> Van De Mieroop, *Philosophy Before the Greeks*, 175.

Hammurabi ?

Source: F.R. Kraus, *Brief aus dem Archive des Šamaš-Ḫāzir in Paris und Oxford*, 39

Text: AbB iv 56, 1-15

To Šamaš-Ḫāzir speak: Lu-Ninurta says the following: May Šamaš keep you healthy! Regarding the field (of) a [measure] of the goldsmith Gimillum from the plot of the small fruit .... that Šamaš-kīma-ilija had bought – the edict of the king; therefore, you know that the field (falls) (under the rule) that “Goods are to be restored (to their seller).”

The field (of) a [measure] is the purchase of Šamaš-kīma-ilija, as is the field (of) a [measure] of Ḫušāšum.<sup>63</sup>

This letter from the reign of Hammurabi not only attests to a clean-slate decree by Hammurabi but also suggests that the king’s clean-slate decree covered debt-sales of land. According to the Letter of Lu-Ninurta to Šamaš-Ḫāzir, Hammurabi’s decree means that the field in question must be returned to its original owner because, as Lu-Ninurta asserts, fields fall under the cited provision that goods that must be restored.

### **Samsuiluna (regnal years: 1749-1712 B.C.E., Babylon)**

c. Samsuiluna -1/Hammurabi 43

*Letter of King Samsuiluna of Babylon to Etel-pi-Marduk*

Source: Frans van Koppen, “Miscellaneous Old Babylonian Period Documents,” 130-131

Text: TCL 17 76

Speak to Etel-pi-Marduk: thus says Samsuiluna. The king, my father, is sick and I have just now ascended the throne of [my father’s] house in order to guide the land aright. And, in order to support the producers of state revenue, I have exempted the arrears of [...], field managers [and (?) ...]. I have broken the tablets with debt obligations of soldiers, “fishermen” and civilians. I have established justice in the land. Nobody may hold any demands against the households of soldiers, “fishermen” and civilians in the region that you administer (!) When you see this tablet of mine, you and the eldest of the region that administer must come up and meet with me.<sup>64</sup>

This letter from King Samsuiluna to Etel-pi-Marduk, a regional official, details Samsuiluna’s clean-slate decree at the beginning of his reign, apparently while Hammurabi is still alive but too infirm to continue to rule. While this letter is not an edict, it presents a summary version of the decree and

<sup>63</sup> F. R. Kraus, *Brief aus dem Archive des Šamaš-Ḫāzir in Paris und Oxford*, 39. Cf. Kraus, *Königliche Verfügungen*, 60, and William H. Hallo, “Slave Release in the Biblical World in Light of a New Text,” 93.

<sup>64</sup> Trans. Frans van Koppen. “Miscellaneous Old Babylonian Period Documents” in *The Ancient Near East: Historical Sources in Translation*. (ed. Mark W. Chavalas; Malden, MA: Blackwell Publishing, 2006), 130-31. (CHAVA 02)

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summons Etel-pi-Marduk and the elders so they can be briefed on the details the decree and can administer it accordingly.

F.R. Kraus asserts that the written edicts were meant as clarifying documents for local officials.<sup>65</sup> This letter serves a similar but limited purpose. The text of the letter is short, lacking the details that would be found in a full edict but implies further clarification and details are why Etel-pi-Marduk and other officials were summoned appear before the king. That the release in the letter is “vague,” in that little information is given regarding the specifics,<sup>66</sup> is a function of the purpose of the letter. It would be inappropriate to expect a full detail in this letter.

The letter to Etel-pi-Marduk is a primary source of evidence for a clean-slate decree at the beginning of Samsuiluna’s reign, as Samsuiluna states that his father is still alive but sick and unable to rule, and so he has ascended to the throne.<sup>67</sup> This clean-slate decree seems to have been expected as Hammurabi “got ill, or word of his illness got out, and that in the following months Samsuiluna began to take over governmental responsibilities, including providing justice to the land by remitting debts, which culminated in his royal edict shortly after his father’s death.”<sup>68</sup> That the decree was expected under this context may suggest that, even before Hammurabi, clean-slate decrees at the beginning of a king’s reign was already the norm despite the difficulty dating earlier decrees.

## Samsuiluna 2

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 177.

Reconstruction: YNB II 147 Si 2 9147

The year: Samsuiluna, the king, the favourite of the greatest gods, established the freedom (*ama-ar-gi*) of Sumer and Akkad, made the heart of the good land very glad and made justice manifest.<sup>69</sup>

<sup>65</sup> Kraus, *Ein Edikt des Königs*, 243ff. See also Dominique Charpin, “Les décrets royaux à l’époque paléo-babylonienne, à propos d’un ouvrage récent,” 43.

<sup>66</sup> Hallo, “Slave Release,” 82.

<sup>67</sup> See Frans van Koppen, “Miscellaneous Old Babylonian Period Documents,” 131.

<sup>68</sup> G. Suurmeijer, “Loans and Edicts: A Quantative Analysis of the Temporal Distribution of Loan Documents and Royal Edicts under the Reign of Samsu-iluna,” 116. Suurmeijer follows Dominique Charpin, “Les prêteurs et le palais: Les édits de *mišarum* des rois de Babylone et leurs traces dans les archives privées,” in his argument that the clean-slate decrees were often not expected. In order to ascertain this, he does a survey of loan and other economic documents. His results suggest that not all were anticipated but that the evidence suggests that Samsuiluna’s first edict was.

<sup>69</sup> Trans. Horsnell, *The Year-Names Babylon* II, 177.

## Samsuiluna 8

Source: F. R. Kraus, *Königliche Verfügungen in Altbabylonischer Zeit, 154-57*<sup>70</sup>

Text: Edikt des Königs Samsu-iluna, Si. 507

Year: King Samsu-iluna established a royal “location” of copper, individual rivers and mountains that bring fertility (and) abundance in their “location” in the august Temple of E-[...] before Anum und Inana to gaze [...]

The arrears owed by the farmer, shepherd, [šusikku-officials] of the pasture lands and crown tributaries are remitted because the king has restored justice (*mi\*-[ša-ra-am]*); the collector may not sue the family of a crown tributary.<sup>71</sup>

If [...]

(If a slave ...) was sold for silver or was taken for service or given as a pledge, his freedom (*an-du-ra-ar-šu*) is not restored.<sup>72</sup>

The year name in the Edict of Samsuiluna is for the 8<sup>th</sup> regnal year of Samsuiluna, raising questions as to whether the Edict of Samsuiluna coincides with clean-slate decree mentioned in the letter to Etel-pi-Marduk or a later second decree.<sup>73</sup> According to William W. Hallo, this suggests that the clean-slate decree was “not translated into the specific legislation of the edict until his eighth year,” though he also acknowledges that, while he finds it unlikely, it is possible that Samsuiluna issued a second clean-slate decree.<sup>74</sup> On the other hand, Charpin takes the date at face value, or at least closer in time to the decree it reflects than a matter of years and further hypothesizes an, as of yet, undocumented third clean-slate decree in or around Samsuiluna’s 28<sup>th</sup> regnal year.<sup>75</sup>

Kraus cautions against claiming that the bulk of the text missing from the fragments of the Edict of Samsuiluna is identical to that of the Edict of Ammišaduqa, discussed below. He does allow that the significant parallels between what we do have of the Edict of Samsuiluna and the more complete Edict of Ammišaduqa as well as the portions of Edict X suggest that there was consistency between these three edicts. This consistency can likely be extended to other clean-slate edicts, at least of the edicts beginning with Hammurabi. From the consistencies between the fragments of the Edict of Samsuiluna

<sup>70</sup> I have translated from Kraus’s translation into English

<sup>71</sup> The *šusikku* officials, translated by Kraus as “[Abdeckers],” are the officials “concerned with the disposal of animal carcasses” (CAD Š/3 374).

<sup>72</sup> German trans. F.R. Kraus, *Königliche Verfügungen in Altbabylonischer Zeit, 154-157*.

<sup>73</sup> See Horsnell, *The Year-Names Babylon II*, 190. Cf. Kraus, *Königliche Verfügungen*, 157.

<sup>74</sup> Hallo, “Slave Release,” 82.

<sup>75</sup> Charpin, “Les prêteurs et le palais,” 186.

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and Edict X with the Edict of Ammišaduqa, Anne Goddeeris argues that “the content of a *mīšarum* did not change drastically over the course of the Babylonian dynasty.”<sup>76</sup>

Samsuiluna 8?

Source: William W. Hallo, “Slave Release in the Biblical World in Light of a New Text,” 84-85.

Text: NBC 8618

If a slave-woman (or) slave – “born in the house”  
(of?!/or?!) a citizen of Numhia, a citizen of Emutbal,  
a citizen of Idamaraz  
a citizen of Uruk, a citizen of Isin,  
a citizen of Kusrra, a citizen of Malgium,  
or a “citizen of the land” –  
for a full price  
is sold for money,  
or else is made to work off a debt,  
or else is deposited as security;  
his release (*an-du-r[a-ar-šu]*)  
will not be granted.<sup>77</sup>

NBC 8618, a fragment that is thought to be from a copy of the Edict of Samsuiluna, potentially sheds more light on the question of debt-slaves that will be discussed below regarding the Edict of Ammišaduqa, specifically the issue of who is not released according to the Edict of Ammišaduqa §21. Lines 1’-4’ of NBC 8618 correspond with AS §21, with the significant addition of the phrase “for a full price.” If the list of possible places of origins following the statement of a house-born slave is understood as “or a citizen of Numhia, a citizen of Emutbal, ...,” then this is not a reference to either the origin of the master<sup>78</sup> or that of the slave.<sup>79</sup> Instead, Hallo proposes this is a list of persons, up to and including “citizens of the land,” that are exempt from release. He does not argue that this means that debt-slaves are not released at the time of the clean-slate decree, but that automatic release as seen in LH §117,<sup>80</sup> which institutes release for all debt-slaves after three years of service, is circumvented.<sup>81</sup> That is that slave-release, like the rest of the release elements detailed in the clean-slate edict, is only a retroactive event that occurs on the occasion of the clean-slate decree. In this way, the clean-slate edict

<sup>76</sup> Anne Goddeeris, *Economy and Society*, 327.

<sup>77</sup> Tr. Hallo, “Slave Release,” 84-85.

<sup>78</sup> Kraus, *Königliche Verfügungen*, pp. 278ff

<sup>79</sup> B. L. Eichler, *Indentur at Nuzi: The Personal Tidennūtu Contract and its Mesopotamian Analogues*, 82.

<sup>80</sup> “If an obligation is outstanding against a man and he sells or gives into debt service his wife, his son, or his daughter. they shall perform service in the house of their buyer or of the one who holds them in debt service for three years; their release shall be secured in the fourth year” (LH §117, trans. Roth, *Law Collections*, 103).

<sup>81</sup> William H. Hallo, “Slave Release,” 90-91.

could be seen as a reform that abrogates any forward-looking provisions, including Hammurabi's limit of debt-slavery to three years.

Samsuiluna 8?

Source: Oded Tammuz, "Two Small Archives from Lagaba," 125-126

Text: NBC 6311

Speak 'to the man whom Marduk keeps alive! Thus: Awil-Sin. May Šamaš and Marduk keep you alive!

Pu-Ili, the chanter, submitted his case before me as follows: "I have given my field for 'yield,' and he gave me two sheqels of silver as interest-bearing loan, and he gathered and carried off the barley that was grown in my field. He did not give me the yield of my field."

This is what he submitted to me.

As you know, according to the edict of my lord, the one who caused (repayment) to be given (to him) and took it away, will give (it) back.

It is ordered not to call on a house of a soldier, fisherman, or a person of *ilku-ahhum* status. When you read the tablet, you yourself return to its owner the barley that you caused to be given to you and took away. You must act in accordance with the edict of my lord! (Even) if he is not there, you will measure out the barley.<sup>82</sup>

Striking in its absence from either the Edict of Ammišaduqa below or the fragments of the Edict of Samsuiluna and the letter of Samsuiluna to Etel-pi-Marduk is any mention of land returning to the original owner. As seen above, the same may be true of any clean-slate edicts issued by Hammurabi. The inclusion of year-name formula in contracts from Nuzi and during the reigns of kings in the region, both of Babylon and of other kingdoms, indicates that the return of land to the original owner would have been a part of the clean-slate decree or understood to be included in the edicts through other, broader provisions. Otherwise, there would be no need to explicitly state that such contracts were drawn up after a clean-slate decree. Though this letter does not address a sale of land but instead that of the land's usufruct, the petitioner cites a clean-slate act of Samsuiluna to argue that the usufruct must be returned to him. With the clean-slate decree, the land and its produce once again belong to the former debtor. This letter echoes the letter of Lu-Ninurta above regarding the return of land as a result of Hammurabi's clean-slate decree.

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<sup>82</sup> Tr. Oded Tammuz, "Two Small Archives from Lagaba," 125-126. Tammuz dates the text to Samsuiluna's 8<sup>th</sup> regnal year. Regardless of the dating, this letter does indicate that the debtor believes that the land rental is covered.

**Abiešuḥ (regnal years: 1711-1684 B.C.E., Babylon)**

Abiešuḥ 2

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 242.

Reconstruction: YNB II 185 Ae 2 b 9185

The year: Abieshuh, the king, the beloved shepherd of An and Enlil, who looked toward Sumer and Akkad with a loyal eye, led aright the feet of the people, established . . . goodwill and reconciliation in his land, caused justice and equity to exist and made the land to prosper.<sup>83</sup>

Horsnell puts this as the second regnal year of Abiešuḥ due to its similarity with Hammurabi 2, Samsuiluna 2, and others which celebrate a clean-slate edict.<sup>84</sup>

**Ammiditana (regnal years: 1683-1647 B.C.E., Babylon)**

Ammiditana 2

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 274.

Reconstruction: YNB II 213 Ad 2 9213

The year: Ammiditana, the king, the pious and obedient shepherd of Utu and Ishkur, the one who releases from (forced) service.<sup>85</sup>

While the reconstruction of the year name for Ammiditana's 2<sup>nd</sup> regnal year is vague, calling Ammiditana "the one who releases from (forced) service)" this still likely refers to a clean-slate edict. According to Samuel Feign, even though the language used by earlier kings is abandoned, "from the use of the shepherd title...we conclude that what was announced by these year names was an act of improving the welfare of the people—a *mēšaru*-act with all its implications, or a freeing from feudal burdens and resulting debts and taxes."<sup>86</sup>

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<sup>83</sup> Trans. Horsnell, *The Year-Names Babylon II*, 242.

<sup>84</sup> Horsnell, *The Year-Names Babylon II*, 242, fn. 7.

<sup>85</sup> Trans. Horsnell, *The Year-Names Babylon II*, 274. Note that while Utu is Šamaš, Horsnell both transliterates and translates this as Utu.

<sup>86</sup> Samuel I. Feign, "The Date List of the Babylonian King Samsu-ditana," 146. See also Horsnell, *The Year-Names Babylon II*, 274, fn 4.

## Ammiditana 21

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 298.

Reconstruction: YNB II 213 Ad 21 9232

The year: Ammiditana, the king, the fierce great ruler, beloved by Utu <and> Marduk, remitted the debts which his country had incurred.<sup>87</sup>

**Date and Attribution Uncertain**

Source: F. R. Kraus, *Königliche Verfügungen in Altbabylonischer Zeit*, 160-61.

Text: Edict X, BM 78259

Edict X is often attributed to Abiešuḫ or Ammiditana.<sup>88</sup> Kraus does not translate this text but rather notes the similarities between the recovered paragraphs and that of the Edict of Ammišaduqa as follows:

Edict X §A-C:: Edict of Ammišaduqa §7-9

Edict X §D-E :: Edict of Ammišaduqa §13-14

Edict X §F-G :: Edict of Ammišaduqa §16-17

Edict X §H-I :: Edict of Ammišaduqa §21-22<sup>89</sup>

While the limited material and fragmentation limit what conclusions can be drawn from Edict X, these similarities support the cautious conclusion that for the Old Babylonian kings the form of the clean-slate edicts likely did not change much.

**Ammišaduqa (regnal years: 1646-1626 B.C.E., Babylon)**

Ammišaduqa 1

Sources: J. J. Finkelstein, "The Edict of Ammisaduqa" (ANET); Finkelstein, "The Edict of Ammišaduqa: A New Text" (RA); F.R. Kraus, *Ein Edikt des Königs Ammi-šaduqa von Babylon*, 26-43.<sup>90</sup>

<sup>87</sup> Trans. Horsnell, *The Year-Names Babylon* II, 274.

<sup>88</sup> Kraus, *Königliche Verfügungen*, 293, suggests Ammiditana, while others only narrow it down to one of the two, cf. Attinger, "Schuldenerlass", 292, and Stephen J. Lieberman, "Royal 'Reforms' of the Amurrite Dynasty," 251.

<sup>89</sup> Kraus, *Königliche Verfügungen*, 160-62.

<sup>90</sup> Finkelstein's translation in "The Edict of Ammisaduqa," will be the primary one here as the later article, "The Edict of Ammišaduqa: A New Text" incorporating sections recovered later only reproduces the first six paragraphs based on ms C. However, Finkelstein's "The Edict of Ammisaduqa," does not include a transliteration, though he does for the first 6 paragraphs in "The Edict of Ammišaduqa: A New Text," so Kraus, *Ein Edikt*, 26-43, will be also be consulted. Also note that that in his more recent translation of the recovered beginning of the Edict of



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Text: The Edict of Ammi-šaduqa

§ 1. The tablet [of the (royal) decree which the land was ordered] to hear at the time [the king] instituted [the *mīšarum*<sup>91</sup>] for the land.

§ 2. The arrears of the *iššakku*-farmers, the shepherds, the provincial *šusikku*-officials, and (other) crown tributaries, according to their ..., and their sealed notes payable, are remitted. The collector may not sue for payment against the household of any crown tributary.

§ 3. The bourse of Babylon, the bourses of the country(side), the *rā'ibānum*, in the ... tablet(s) which are ... the collector, — their arrears dating from "Year in which King Ammiditana Remitted the Debts which the Country had Contracted" (= Ammiditana 21) until the month of Nisan of the "Year in which King Ammisaduqa, Enlil having Magnified His Noble Lordliness, Rose Steadfastly like the Sun over His Country and Instituted the *Mīšarum* for the Whole of His People" — whereas the king instituted the *mīšarum* for the land, the collector may not sue for payment against [the ...].

§ 4. Whosoever has given barley or silver to an Akkadian or an Amorite as an interest-bearing loan or as a *melqētum* [or ?...], and had a document executed — whereas the king instituted the *mīšarum* for the land, his document is voided; he may not collect the barley or silver on the basis of his document.

§ 5. And if, commencing with the 2nd day of the month of Addar II of the "Year in which King Ammiditana Destroyed the wall of Udimi Gonstructed by Damqi-ilishu" (= Ammiditana 37), he collected by constraint, he must refund whatever he received through (such) collection. Whoever does not (thus) make refund in compliance with the King's ordinance, shall die.

§ 6. Whosoever has given barley or silver to an Akkadian or an Amorite as an interest-bearing loan or as a *melqētum*, but perpetrated a fraud in the document he executed, by having it drawn up as an advance for purchases or a bailment and then continued to receive interest, he (i. e., the debtor) shall produce his witnesses who will indict him (i. e., the creditor)<sup>92</sup> for having received interest; because he had misrepresented his document, his document shall be voided.

A creditor may not sue for payment against the household of any Akkadian or Amorite to whom [he had extended credit]; should he sue for payment, he shall die. (AS §§1-6)<sup>93</sup>

§ 7. If anyone had given barley or silver as an interest-bearing loan and had a document executed retaining the document in his own possession, and then stated: "I have certainly not given it to you as an interest-bearing loan or on the *melqētum* basis; the barley or silver which I have given you, I have given (as an advance) for purchases, or for the production of profit, or for some other objective," the person who had received the barley or silver from the creditor shall produce his witnesses to the wording of the document which the lender had denied, and they shall speak (their testimony) before god. Because he (i.e., the creditor) has distorted his document and denied the (truth of the) matter, he must pay (to the borrower) six-fold (the amount he had lent him). If he (the creditor) cannot make good his liability, he must die.

§ 8. An Akkadian or an Amorite who has received the barley, silver, or (other) goods either as merchandise for a commercial journey, or as a joint enterprise for the production of profit, his document is not voided (by the *mīšarum* act); he must repay in accordance with the stipulation of his agreements.

§ 11. If a (state) trading merchant, who customarily disposes of merchandise of the palace, made out a document in favor of the palace against the (collectable) arrears of crown tributaries as if he actually received (such) merchandise from the palace, and received (in turn) the (payable) document of the palace-tributary—thus no merchandise was actually given him from the palace in accordance with his document, nor did he receive (any funds) from the palace tributary—because the king has remitted the arrears of the

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Ammi-šaduqa, Finkelstein uses the spelling *mīšarum* but *mišarum* in the earlier translation of the rest of the edict. Despite the discrepancy, I will not be altering his spellings in favor of consistency.

<sup>91</sup> In his translations, Finkelstein does not translate *mīšarum* and certain other terms.

<sup>92</sup> Finkelstein includes these clarifications in his text.

<sup>93</sup> Trans. Finkelstein, "The Edict of Ammi-šaduqa: A New Text," 62-63.

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palace-tributary, that merchant shall declare on divine oath: “(I swear that) I have not received anything in payment from the palace-tributaries as stated in this document.” After having (thus) declared, he shall produce the document of the palace-tributary, they (i.e., the authorities and the principals) shall settle the accounts jointly, and out of the merchandise stipulated in the document made out by the merchant in favor of the palace they shall remit in behalf of the merchant as much as was stipulated by the document made out by the palace-tributary in favor of the merchant.

§ 12. The *šusikko*-agent of the land who customarily receives [the carcasses] from the palace cattle-herdsmen, shepherds, and goatherds under divine oath, (and) who customarily renders to the palace: For every cow carcass: one (quantity) of sin[ews] together with the skin; for every ewe-carcass: one sixth ... barley, together with the skin, plus  $1\frac{3}{4}$  minas of wool; for every goat-carcass: one-sixth of [a shekel] of silver plus  $\frac{2}{3}$  of a mina of goat-wool,—because the king has instituted the *mišarum* for the land, their arrears will not be collected. The ... (of) the *šusikko*-agent of the land (the quotas) ... will not be filled.

§ 13. The arrears of the porter(s) which had been assigned to the collecting-agent for collection are remitted, they will not be collected.

§ 14. The arrears of the Suhu country consisting of *šibšum*-rents and/(or) half-share rents—because the king has instituted the *mišarum* for the land, it is remitted; it will not be collected. He (i.e., the collecting-agent) shall not sue for collection against the houses of Suhu (var.: the Suhian population).

§ 15. The crop impost officer who customarily receives the impost proportions of fields (planted to) [barley,] sesame, or minor crops belonging to the palace-tributaries, the .., the crown dependents, the infantrymen, the sergeants, or other special feudatories—because the king has instituted the *mišarum* for the land, it is remitted; it will not be proportioned (i.e., the impost shares of each crop will not be collected). (However,) thee barley destined for sale or profit will be proportioned according to the customary ratio(s).

§ 16. The taverness(es) of the provinces who customarily pay silver (and/or) barley to the palace—because the king has instituted the *mišarum* in the land, the collecting agent will not sue for payment of their arrears.

§ 17. A taverness who has given beer or barley as a loan may not collect any of what she had given as a loan.

§ 20. If an obligation has resulted in foreclosure against a citizen of Numbia, a citizen of Emutbalum, a citizen of Idamaras, a citizen of Uruk, a citizen of Isin, a citizen of Kisurra, or a citizen of Malgium (in consequence of which) he [placed] his own person, his wife or his [children] in debt servitude for silver, or as a pledge—because the king has instituted the *mišarum* in the land, he is released; his freedom is in effect.

§ 21. If a house-born slavewoman or a male slave of a citizen of Numbia, a citizen of Emutbalum, a citizen of Idamaras, a citizen of Uruk, a citizen of Isin, a citizen of Kisurra, or a citizen of Malgium ... whose price ..., has been sold for money, or was given over for debt servitude, or was left as a pledge, his freedom will not be effected. (AS §§7-8, 11-17, 20-21)<sup>94</sup>

Prior to the discovery of manuscript C of the Edict of Ammišaduqa, the beginning of the edict was lost, and so Kraus and Finkelstein were able to derive the identity of Ammišaduqa as the king

<sup>94</sup> Trans. Finkelstein, “The Edict of Ammisaduqa,” 526-28.

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behind the edict only due to the mention of the last regnal year of his father, Ammiditana.<sup>95</sup> With the year name in the prologue, as seen in manuscript C, the ascription to Ammišaduqa is confirmed in §3.

Though the clean-slate decrees were among the most concrete examples of the justice required of the king by the gods, the Edict of Ammišaduqa makes only a limited appeal to the gods. Instead, the edict's concern is exclusively with the details and specifics of the clean-slate decree. The only mention of gods is in the year name formula, which establishes the date of the act and the time covered. Enlil is acknowledged as elevating Ammišaduqa to the throne after his father, and his inauguration is compared to that of Šamaš. These divine appeals serve to establish the date and to ground Ammišaduqa's reign, and through this his decree and corresponding edict, in the will of the gods.

The first remittances in the Edict of Ammišaduqa are specifically aimed at those who owe back taxes, including farmers, shepherds, and the quay, which according to Finkelstein is an association of traders that primarily serve the palace.<sup>96</sup> Those who rent from the palace (§12) and tavernesses (§16) are also protected from collection<sup>97</sup> because of the king's decree. As discussed in ch 2, the palace did not collect the taxes directly but through agents, and the question of payments owed to the palace and collected by agents is returned to in §11, which Kraus describes as, "Der eigentliche Sinn des Paragraphen ist nun die Übernahme dieses Verlustes durch den Palast."<sup>98</sup> The Edict of Ammišaduqa also protects those who collect on behalf of the palace, limiting the financial harm done to them through the forgiveness of arrears. It is the palace that suffers the immediate loss of income loss due to a rent and tax holiday. It should be noted that it is unclear from §11 if the palace agent is fully compensated. The king would want to limit the power and wealth of these collectors, but if they were utterly disenfranchised, the critical mechanism of collection agents could be jeopardized.

In addition to the forgiveness of tax-arrears and subsistence loans, the Edict of Ammišaduqa orders that distraints and forfeitures be refunded, though the dating may suggest that this is not a universal return but addresses a specific set of circumstances. Unlike the forgiveness of loans, this provision does not cover the whole period from Ammiditana's last clean-slate decree in his 21<sup>st</sup> regnal

<sup>95</sup> Kraus, *Ein Edikt*, 106ff, and Finkelstein, "Ammišaduqa's Edict," 92-93.

<sup>96</sup> Finkelstein, "Ammišaduqa's Edict," 526, note 2.

<sup>97</sup> Following the protection for tavernesses, they are then prohibited from collecting on loans they may have given of beer or barley. Though this may seem an unnecessary addition, since loans are already forgiven, the specific inclusion of beer may mean that this is neither a subsistence loan nor a commercial loan. Perhaps, it is something closer to a modern bar tab. What is more surprising is that in the discussion of debts and the specific situations that may arise, the edict declares that the taverness or merchant who uses dishonest weights shall die (§18).

<sup>98</sup> Kraus, *Königliche Verfügungen*, 229.

year as established in §3 but only to Ammiditana's 37<sup>th</sup> regnal year, the last year of his reign. Finkelstein suggests the following interpretation:

because he prematurely collected (the amount due him) by means of pressure (*esêru*), he must refund all that he received through such collection; whoever refuses to make such refund as required by the standing orders of the king shall be put to death.<sup>99</sup>

It seems that this particular provision does not speak to the return of property rightfully forfeited, but to property prematurely seized in anticipation of the clean-slate decree. That is to say that §5 addresses the issue of predictability. The established custom of a new king issuing a clean-slate decree in his first regnal year could lead to abuses as creditors try to call in their debts early to circumvent the imminent edict. It may be that the shorter time frame here applies only to this attempt by creditors to preempt the clean-slate decree. This interpretation fits well with the studies of Charpin and G. Suurmeijer that Samsuiluna's first clean-slate decree was anticipated due to the deterioration of Hammurabi's health and Samsuiluna's assumption of royal responsibility. While those clean-slate decrees in the middle of a king's reign may not have been foreseen, those that correspond with the inauguration of a new king seem to have been expected.

This foresight likely explains other sections of the Edict of Ammišaduqa as well. Because these sections lack the *mīšarum* formula, "because the king has instituted the *mīšarum* for the land," Kraus argues they should be seen as broad reforms against fraudulent loan practices rather than retroactive provisions.<sup>100</sup> Like the preceding section, this is not a sudden stray from the topic of the edict but rather address attempts to circumvent it. In §6, the fiction of an interest-bearing loan being a sale or bailment voids the document, and an attempt to sue for repayment under this fraudulent pretense carries the penalty of death. The creditor may have believed that if the contract passed as a sales contract rather than a loan, this fiction would allow them to collect the repayment and the interest by framing them as the purchase price. Likewise, §7 may also address another attempt to "outsmart" the edict. As commercial loans are not covered by the clean-slate decree, the creditor attempts to depict the loan not as a subsistence agricultural loan that would have to be forgiven but rather as an investment. The reason that the penalty is so high—rather than simply being voided the creditor must pay a six-fold penalty or die—is not apparent. It likely serves as a deterrent to or penalty for attempting to subvert the royal decree. A steep penalty prevents the precedent of the king's authority being circumvented.

The Edict of Ammišaduqa is described as being for "the whole of his people" in §3, and the loans that are forgiven are those given to "an Akkadian or an Amorite" (first in §4). In §10 there are specific

<sup>99</sup> Finkelstein, "The Edict of Ammišaduqa: A New Text," 58.

<sup>100</sup> Kraus, *Königliche Verfügungen*, 300.

### Chapter 3: Economic Justice and Clean Slate Traditions in Ancient Mesopotamia

markets listed: Babylon, Borsippa, Isin, Larsa, Malgium, Mankisum, and Šitullum along with some that cannot be reconstructed. Likewise, those who are freed from debt-slavery in §20 are citizens of Numhia, Emutbalum, Idmaras, Uruk, Isin, Kisurra, and Malgium, with the same list being found in §21. It is possible that these specific cities are a representative sampling of the entirety of the empire over which Ammišaduqa reigned, perhaps based on importance, and that these lists are not meant to be exclusive but representative. Kraus notes that this is a limiting element, such that for §20 only free people in these seven regions would be affected.<sup>101</sup> As was seen above, questions have also been raised on the basis of the prologue of the Laws of Lipit-Ištar, as to whether Lipit-Ištar's decree applied to the whole of his realm or to the three mentioned cities in the prologue to his law code. These questions center on the issue of insiders versus outsiders: Who is, in the case of the Edict of Ammišaduqa, an Akkadian or an Amorite? Unfortunately, we are not able to answer this question. The fact that the edict is meant to provide specific guidance on the execution of the clean-slate decree does suggest that Kraus is correct that these lists are limiting elements rather than representative.

To return to the question of who is released in §20 and not released according to §21, Finkelstein's translation uses "of," indicating that the citizens listed are the owners of the house-born slave and even Hallo's interpretation of NBC 8618 allows that it can be understood either as "of" or "or." It is unlikely that the Edict of Ammišaduqa or the earlier Edict of Samsuiluna effectively contradict their releases by saying that even citizens of these cities are not granted release rather than simply prohibiting the release of house-born slaves. Hallo suggests that the key is in the phrase "because the king has instituted the *mīšarum* in the land," a solution in line with Kraus' assertion above. This formula is indeed present in the Edict of Ammišaduqa §20 but absent from both §21 and NBC 8618. This interpretation would mean that "while Samsuiluna and his successors extended release from debt-slavery with one hand, so to speak (i.e., in their first year and at more or less lengthy intervals thereafter), they withdrew it with the other (i.e., in all the other years of their reigns.)" As suggested above, if this is correct, then this would mean that the Edicts of Samsuiluna, the Edict of Ammišaduqa and Edict X seek to abrogate the automatic release of slaves after three years as seen in the Laws of Hammurabi §117. The need to begin the limitation of both §21 and NBC 8618 with the specific mention of house-born slaves, a category not mentioned in §20, suggests that the simpler reading would be merely an emphasis that there is a difference between citizens who were free-born and entered into slavery as a result of foreclosure or as a pledge and those who are born into slavery. After all, Hammurabi §118 immediately provides the counter in which a slave, rather than a free person, given

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<sup>101</sup> Kraus, *Ein Edikt des Königs*, 167.

into debt-service may have their term extended past three years or even be sold. Without the text of a clean-slate edict of Hammurabi or his predecessors, Hallo's theory lacks evidence that this kind of limitation began with Samsuiluna, as would be the case if this was meant to counter the Laws of Hammurabi. It seems more likely and more in keeping with the reasoning of §§20-21 of the Edict of Ammišaduqa that the edict is differentiating between those who are free-born and those who were born as slaves.<sup>102</sup>

Forgiving debts and freeing debt-slaves maintains a base of tax-paying citizens available for military service or *corvée*<sup>103</sup> while also making sure that the wealthy are limited in their economic gains and kept from becoming too powerful. Even if the palace itself is the first to suffer economic loss by not being able to collect on arrears and rents, it ultimately benefits from the clean-slate decree. Limiting the effect to certain peoples within the empire creates a sense of solidarity within the citizens of the empire while maintaining the "other" status of those peoples who have not yet been fully assimilated into the citizenry. The clean-slate decree provides economic relief for the indebted subsistence working class that would form the base of the empire's citizenry and simultaneously provides social stability and shores up the authority of the king.

#### Ammišaduqa 2

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 327.

Reconstruction: YNB II 250 Az 2 9250<sup>104</sup>

The year: Ammizaduqa, the king, the humble shepherd, established the people for An and Enlil.<sup>105</sup>

See above discussion regarding Ammiditana 2 and the use of the term "shepherd" to signify the commemoration of a clean-slate decree in a second-year name formula.

#### Ammišaduqa 10

Source: Malcolm J. A. Horsnell, *The Year-Names of the First Dynasty of Babylon*, Vol II, 337.

Reconstruction: YNB II 258 Az 10 9258

The year: Ammizaduqa, the king, the loyal, obedient shepherd of Utu and Marduk remitted the debts of his land.<sup>106</sup>

<sup>102</sup> See also Lieberman, "Royal 'Reforms'," 250.

<sup>103</sup> For *corvée* as an obligation of citizenship and an obligation attached to land ownership in the Old Babylonian period, see Renger, "Royal Edicts of the Old Babylonian Period—Structured Background," 140.

<sup>104</sup> Note that Horsnell uses the spelling Ammizaduqa.

<sup>105</sup> Trans. Horsnell, *The Year-Names Babylon* II, 327.

The use of the term “shepherd” in Ammišaduqa 10, which clearly commemorates a clean-slate decree further supports the interpretation of Ammiditana 2 and Ammišaduqa 2 as referring to such decrees issued at the beginning of their reigns.

## Conclusion

Kings established clean-slate acts under the authority of the gods. These acts restored right order and were required by the gods themselves as an act of justice. They were celebrated in the law codes of Ur-Namma, founder of the Third Dynasty of Ur, and Lipit-Ištar of Isin, and may have influenced the Old Babylonian Laws of Hammurabi in the same manner of his judgments. In Isin and later Old Babylonian year name formulas, clean-slate acts were commemorated as major accomplishments and milestones in the reigns of the kings. No later than the time of Hammurabi, clean-slate acts were expected at the beginning of a king’s reign, while the evidence suggests that intermediary acts kings may have decreed were unanticipated. The use of unofficial year name formula in contracts, such as seen in the year names of Sumulael and Sabium, and the letters to and from Hammurabi and Samsuiluna demonstrate that the clean-slate acts were enacted and effective.

These clean-slate acts applied to citizens, usually of particular cities or regions. Debts were forgiven and taxes suspended. Freeborn slaves were set free, but those who were already slaves did not return to their previous masters. The Edict of Ammišaduqa and the fragments of the edicts of Samsuiluna and an unknown king provide specific provisions to address the complexity of such acts, detailing exactly which debts are to be forgiven and for whom the rent and tax holiday applied. The Edict of Ammišaduqa includes specifics with penalties for those who tried to anticipate and circumvent his clean-slate decree from the end of his father’s reign along with consequences for other attempts to defraud the debtor of the forgiven debt. Though the recovered edicts do not address the problem of land, letters sent to Hammurabi and Samsuiluna suggest that land was understood to be included among that to be returned.

Despite the limited exemplars of the clarifying edicts, the evidence examined in this chapter: law codes, year name formulas, letters, and the few surviving edicts, provides cultural context for this tradition. Required of the king by the gods, the clean-slate tradition not only protected the poor from the powerful but maintains a citizenry base for the service of the king and of the gods. This context and

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<sup>106</sup> Trans. Horsnell, *The Year-Names Babylon II*, 337.

the evidence of the specifics provide a firm basis for comparison with the Year of Jubilee and the *Šemittah* Year and the Law of Slave release in the law codes of the Hebrew Bible.



## Chapter 4: Esarhaddon's Neo-Assyrian Clean-Slate Acts

### Introduction

The clean-slate tradition seems to have faded into the past following the Old Babylonian Period.<sup>1</sup> Yet, following the destruction of Babylon by his father, Sennacherib (regal years 704-681 B.C.E.), the Neo-Assyrian king Esarhaddon (regal years 681-669 B.C.E.) embarks on a policy of restoration that includes both Babylonian and Assyrian clean-slate decrees. Esarhaddon's appeal to a past tradition, particularly one with such strong ties to the Old Babylonian period, and his application of this tradition specifically to cultic cities are crucial elements of this restoration project. Though the clean-slate tradition had been seemingly abandoned for the better part of a millennium, with Esarhaddon, the cultural memory had been brought back to life. This revival, though short-lived, occurred during a time in which the southern kingdom of Judah was dealing with the Assyrian crisis after the destruction of the northern kingdom. Esarhaddon's use of this tradition not only provides an additional point of comparison for the biblical clean-slate acts but may also demonstrate the adaptation of an earlier tradition.

In order to examine the reasoning behind Esarhaddon's clean-slate decrees, it is necessary to understand the relationship between the Neo-Assyrian empire and Babylon when Esarhaddon ascended to the throne in the wake of his father's assassination. A brief examination of the progression of this relationship under Sennacherib, which ultimately ended with the destruction of Babylon, is a necessary starting point. With this background, we can then turn our attention to Esarhaddon's reversal of his father's policy toward Babylon, including how he recast the destruction of Babylon, the restoration of Babylon, and the role of his clean-slate decrees in that restoration.

### Sennacherib and Babylonia

The Neo-Assyrian kings faced a difficult challenge: they wanted to firmly establish Assyria as the center of the Mesopotamian world and culture,<sup>2</sup> a desire often challenged by Babylonia, even as they "greatly venerated the ancient culture and traditions of the Babylonians."<sup>3</sup> Grant Frame describes the Neo-Assyrian view of Babylonia as "problem and prize," as "many Assyrians, in particular the Assyrian

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<sup>1</sup> Beate Pongratz-Leisten, *Religion and Ideology in Imperial Assyria* 58.

<sup>2</sup> Peter Machinist, "The Assyrians and their Babylonian Problem," 359.

<sup>3</sup> J. A. Brinkman, "Sennacherib's Babylonian Problem: An Interpretation," 90.

elite, admired and imitated Babylonian culture, and possession of Babylonia was a symbol or mark of Assyria's military, political and cultural supremacy. A great deal of effort was required to gain it and maintain control of it."<sup>4</sup> Peter Machinist points out that the, then, province of Babylonia was too close to Ninevah and Aššur for the Assyrians to be able to leave such a potentially hostile nation independent.<sup>5</sup> Despite the respect that Neo-Assyrian kings might have had for Babylonian culture it was not just ambition or the theological need to expand the land ruled by Aššur<sup>6</sup> that required Babylonia be firmly under the authority of Assyria but also the necessity to maintain the security of the dominance of the Neo-Assyrian empire.

Tiglath-pileser III (regal years 744-727 B.C.E.) was the first Assyrian emperor to take part in the Babylonian *akītu* festival<sup>7</sup> (728 B.C.E.) and thus began the "concerted efforts to control Babylonia and its capital Babylon."<sup>8</sup> By beginning this effort with an act that both honored and co-opted the Babylonian traditions, Tiglath-pileser III attempted not just to dominate Babylon but to integrate himself into the Babylonian culture. This respect for and use of Babylon and its traditions was largely maintained throughout the Neo-Assyrian period.

Though Sennacherib did not, originally, completely change course on the Assyrian policy toward Babylon, it seems that he never shared the fascination and veneration of Babylonia that his predecessors had demonstrated,<sup>9</sup> though he did follow his predecessors in taking on the traditional role of a Babylonian king, albeit in "a limited way."<sup>10</sup> Continual rebellion and revolt from Babylonia and its Elamite ally would eventually lead to Sennacherib's destruction of the capital city, Babylon.

Early in Sennacherib's reign, in 703 B.C.E., there were two successful revolts, the first a short-lived revolt by the Babylonian Marduk-zakir-Sumi II. He was quickly removed by the Chaldean prince Merodach-Baladan II, who would prove a "worthy antagonist for the Late Assyrian empire."<sup>11</sup> Over the course of his reign, Sennacherib would make use of various strategies to subdue Babylon after this

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<sup>4</sup> Grant Frame, "Babylon: Assyria's Problem and Assyria's Prize," 21.

<sup>5</sup> Machinist, "The Assyrians and their Babylonian Problem," 355. Machinist also points out that not all Neo-Assyrian kings were pro-Babylonian, 358.

<sup>6</sup> See Pongratz-Leisten, *Religion and Ideology*, 19-20. It is important to note her caution that while making Aššur the "common point of reference" for loyalty to both the god and the king, this policy did not require either "religious conversion or the abandonment of the personal god" (20).

<sup>7</sup> For a description of the Babylonian *akītu* festival and its role in the legitimization of the king, see Juley Bidmead, *The Akītu Festival: Religious Continuity and Royal Legitimation in Mesopotamia*, 163f.

<sup>8</sup> Frame, "Babylon: Assyria's Problem and Assyria's Prize," 23.

<sup>9</sup> Josette Elayi, *Sennacherib, King of Assyria*, 126; J.A. Brinkman, *Prelude to Empire: Babylonian Society and Politics, 747-626 B.C.*, 54-55.

<sup>10</sup> Barbara Nevling Porter, *Images, Power, and Politics: Figurative Aspects of Esarhaddon's Babylonian Policy*, 78.

<sup>11</sup> Brinkman, *Prelude to Empire*, 46; see also Brinkman, "Sennacherib's Babylonian Problem," 91.

## Chapter 4: Esarhaddon's Neo-Assyrian Clean-Slate Acts

inauspicious beginning, including peaceful methods. He appointed an Assyrian-educated Babylonian, Bel-ibni, as king in Babylon. When that failed, he made campaigns that would remove Bel-ibni from the throne and drive Merodach-Baladan II into exile in Elam. He then set his son Aššur-nadin-šumi as king over Babylonia, and he ruled peacefully for 6 years. When Sennacherib moved against Merodach-Baladan II and those in exile with him, the Elamites were able to invade the city. In this incursion, Aššur-nadin-šumi was taken to Elam and never heard from again. A native Babylonian, Nergal-ušešib, was then set on the Babylonian throne, lasting for 6 months<sup>12</sup> before Sennacherib destroyed the city in 689 B.C.E. Josette Elayi describes Sennacherib's motivations as easily understood: "his unsuccessful attempts at governing Babylonia; recurring revolts; the loss of his eldest son; three protracted unsuccessful offensives and a series of related shorter campaigns, which were costly and time consuming, represented frustrations and taxed the patience of the Assyrian king."<sup>13</sup>

704-681 B.C.E.

*The Bavian Inscription*

Source: A. Kirk Grayson and Jamie Novotny, *The Royal Inscriptions of Sennacherib, King of Assyria (704-681 BC), Part 2*, 316-317.

Text: The Bavian Inscription (RINAP 3 223)

On my second campaign, I marched quickly to Babylon, which I planned to conquer, and (then) I blew like [the onset] of a storm and enveloped it like a (dense) fog. I besieged the city; then, by means of sapping and ladders, I [captured (it)] (and) plundered [the city]. Its people, young and old, I did not spare, and I filled the city squares with their corpses. I carried off alive to my land Šūzubu (Mušēzib-Marduk), the king of Babylon, together with his family (and) his [...]

I handed the property of that city — silver, gold, choice stones, possessions (and) property — over to my [people] and they kept it for themselves. My people seized and smashed the gods living inside it, and (then) they took their [possessions] (and) property. The god Adad (and) the goddess Šala, gods of the city Ekallātum whom Marduk-nādin-aḥḥē, king of Akkad, had taken and brought to Babylon during the reign of Tiglath-pileser (I), king of Assyria — I had (them) brought out of Babylon after 418 years and I returned them to the city E[kallātum], their (proper) place.

I destroyed, devastated,(and) burned with fire the city, and (its) buildings, from its foundations to its crenellations. I removed the brick(s) and earth, as much as there was, from the (inner)wall and outer wall, the temples, (and) the ziggurat, (and) I threw (it) into the Araḥtu river. I dug canals into the center of that city and (thus) leveled their site with water. I destroyed the outline of its foundations and (thereby) made its destruction surpass that of the Deluge. So that in the future, the site of that city and (its) temples will be unrecognizable, I dissolved it (Babylon) in water and annihilated (it), (making it) like a meadow. (Bavian Inscription, 43b-54a)<sup>14</sup>

<sup>12</sup> Brinkman, "Sennacherib's Babylonian Problem," 91.

<sup>13</sup> Elayi, *Sennacherib, King of Assyria*, 125.

<sup>14</sup> RINAP 3 223; tr. A. Kirk Grayson and Jamie Novotny, *The Royal Inscriptions of Sennacherib, King of Assyria (704-681 BC), Part 2*, 316-317.

As a part of the destruction of Babylon, Sennacherib recounts that his people destroyed the gods of the city and carried off the temple goods while restoring the Assyrian gods to their proper places. Despite the narrative of the Bavian Inscription being echoed in the *Akītu* House Inscription of Sennacherib,<sup>15</sup> later tradition may suggest that the statue of Marduk was not smashed but rather was carried off from Babylon.<sup>16</sup> This is further supported by the fact that the destruction of gods was outside of Assyria's normal actions. Instead, the Assyrians usually carried off the statues "likely in order to hold them as hostages for their people's good behavior and to show that these gods were now subjects of the god Ashur."<sup>17</sup> Whether the statue of Marduk was the exception to being destroyed as a part of Sennacherib's destruction of Babylon or the claim of the smashing of the gods was a narrative reframing, returning the statue of Marduk from Babylon would be an important aspect of Esarhaddon's restoration of Babylon. Esarhaddon would not succeed in this, but rather it would be his son Assurbanipal who accomplished this in 668 B.C.E.<sup>18</sup>

Jennifer Finn points out that Sennacherib connects his actions to those of the gods, particularly in his use of water imagery, which "is reminiscent of divine powers of a similar type, most vividly evoked in the attempted elimination of mankind through flooding in the *Atrahasis* epic."<sup>19</sup> There is a significant difference between Sennacherib's description of his use of flooding and that found in mythology. Because Sennacherib did not intend for the city to be rebuilt and, in fact, intended that it never be, he deviated from the cultural myth. The mythological understanding of flooding was not just about the utter destruction, but also about renewal, as seen in the *Enūma Eliš* with Marduk's creating the world out of Tiamat's corpse.<sup>20</sup> In addition to evoking the divine imagery by using flooding to destroy, Sennacherib's actions are the opposite of that expected by Mesopotamian kings. Rather than building canals for irrigation and prosperity, Sennacherib builds canals in order to annihilate a city.<sup>21</sup>

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<sup>15</sup> RINAP 3 168 36-47. Note that in this account it is not Sennacherib's "people" who destroyed the gods but rather Sennacherib himself. (See tr. Grayson and Novotny, *The Royal Inscriptions of Sennacherib*, 248).

<sup>16</sup> Frame, "Babylon: Assyria's Problem and Assyria's Prize," 27.

<sup>17</sup> Frame, "Babylon: Assyria's Problem and Assyria's Prize," 27.

<sup>18</sup> For the question of who exactly returned the statue of Marduk to Babylon, whether Assurbanipal or his brother Šamaš-šuma-ukin, see Grant Frame, *Babylonia 689-627 B.C.: A Political History*, 102f.

<sup>19</sup> Jennifer Finn, *Much Ado about Marduk*, 98. This use of the gods to explain conquests and legitimize a king's reign was also seen above in the prophetic letter to Zimri-Lin.

<sup>20</sup> Pongratz-Leisten, *Religion and Ideology*, 319.

<sup>21</sup> Finn, *Much Ado about Marduk*, 98.

## Chapter 4: Esarhaddon's Neo-Assyrian Clean-Slate Acts

Sennacherib's destruction of Babylonia was meant to be permanent. The gods were smashed, the city flooded, and the people exiled. It is against this stark background that Esarhaddon's restoration work took place.

### Esarhaddon's Restoration of Babylon

Sennacherib's extreme final policy toward Babylonia meant that returning toward the earlier policy would require a lot of effort. The city of Babylon would have to be restored, particularly Esagil, the temple of Marduk, and the people would have to be able to return to the city. He would not complete the project of restoring Babylon as his son and successor Aššurbanipal (regnal years 669-627 B.C.E.) would finish the construction of Esagil and restore the image of Marduk. Simply rebuilding the city would not be enough. Esarhaddon would have to prove himself a just king of Babylonia, approved of by Marduk, while also maintaining the primacy of Assyria and Aššur.

Year ?

*Advice to a Prince*

Source: W.G. Lambert, *Babylonian Wisdom Literature*, 112-15.

Text: Advice to a Prince

If a king does not heed justice, his people will be thrown into chaos, and his land will be devastated.

If he does not heed the justice of his land, Ea, king of destinies, will alter his destiny and will not cease from hostilely pursuing him. (Advice to a Prince, 1-3)

If he mobilized the whole of Sippar, Nippur, and Babylon, and imposed forced labour on the people, exacting from them a corvée at the herald's proclamation, Marduk the sage of the gods, the prince, the counsellor, will turn his land over to his enemy so that the troops of his land will do forced labour for his enemy, for Anu, Enlil, and Ea, the great gods, who dwell in heaven and earth, in their assembly affirmed the freedom of those people from such obligations.

If he gives the fodder of the citizens of Sippar, Nippur, and Babylon to (his own) steeds, thee steeds who eat the fodder will be led away to the enemy's yoke, and those men will be mobilized with the king's men when the national army is conscripted.

Mighty Ea, [who goes] before his army, will shatter his front line and go at his enemy's side. (Advice to a Prince, 23-43)

If he declares their treaties void, or alters their inscribed (treaty) stele, sends them on a campaign, or [press-gangs] them into hard labour, Nābû, scribe of Esagil, who organizes the whole of heaven and earth, who directs everything, who ordains kingship, will declare the treaties of his land void, and will decree hostility. (Advice to a Prince, 51-54)<sup>22</sup>

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<sup>22</sup> Tr. W.G. Lambert, *Babylonian Wisdom Literature*, 113-15.

When exactly *Advice to a Prince* was first written and to whom is unclear. W.G. Lambert rejects the proposals of the intended recipient being either Merodach-Baladan II or Sennacherib and instead suggests that all that can be stated with certainty is that it was intended for “one of the kings of Babylon between 1000 and 700 B.C.” and that it is not necessary that the recipient have been “an important figure historically.”<sup>23</sup> While Willem Römer's date range does not agree with Lambert's, he also resists claims of being able to establish a particular time or audience for *Advice to a Prince*, asserting only that it was part of the literary tradition.<sup>24</sup> Benjamin R. Foster does suggest that the specific ruler that the author had in mind may have been Merodach-Baladan II.<sup>25</sup> Counter both of these Beate Pongratz-Leisten argues that *Advice to a Prince* was “addressed to kings in general and to the foreign (=Assyrian) king in particular.”<sup>26</sup> This is also the position of René Labat who sets it during the reign of Sennacherib with the immediate topicality of the text disguised by more general moral and political advice.<sup>27</sup> Foster argues that the importance of *Advice to a Prince* is that “since this text was copied for Assurbanipal's library, was quoted from memory by a scholar in a letter, and has turned up in a late manuscript from Nippur, it was evidently studied as a literary work, whatever its original political purpose may have been.”<sup>28</sup> Though the identity of the original audience may not be known, it is likely that it was known to the Neo-Assyrian rulers prior to Assurbanipal and served as a guideline for Esarhaddon.

*Advice to a Prince* emphasizes the importance of maintaining the special rights due to the cities of Sippar, Nippur, and Babylon. The text addresses issues of taxation, corvée, and property as well as miscarriages of justice (*Advice to a Prince*, 11-22). It is written in the form of omens,<sup>29</sup> emphasizing the wrath of the gods if the rights of these cultic centers are violated. As regent of the gods, the king must heed the justice of the gods. In *Advice to a Prince*, that meant protecting the privileged status of the cultic centers since those population of those cities were understood as serving the gods even more than others.

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<sup>23</sup> Lambert, *Babylonian Wisdom Literature*, 112.

<sup>24</sup> Willem H. Römer und Wolfram von Soden. *Weisheitstexte, Mythen und Epen: Weisheitstet I*, 170-71.

<sup>25</sup> Benjamin R. Foster, *Before the Muses: An Anthology of Akkadian Literature*, 745.

<sup>26</sup> Pongratz-Leisten, *Religion and Ideology*, 277.

<sup>27</sup> René Labat, *Les Religions Du Proche-Orient Asiatique: Textes Babyloniens, Ougaritiques, Hittites*, 316-17.

<sup>28</sup> Foster, *Before the Muses*, 745.

<sup>29</sup> Lambert, *Babylonian Wisdom Literature*, 110; Pongratz-Leisten, *Religion and Ideology*, 277.

c. 679 B.C.E

Aššur A

Source: Erie Leichty, *The Royal Inscriptions of Esarhaddon, King of Assyria (680-669 BC)*, RINAP 4, 119-29.

Text: Aššur A (Ass. A); RINAP 4 57.

[Esar]haddon, great king, mighty king, king of the world, king of Assyria, appointed by the god Enlil, priest of the god Aššur, son of Sennacherib, great king, mighty king, king of the world King of Assyria, appointed by the god Enlil, priest of the god Aššur, who has revered the utterances of the gods Aššur, Šamaš, Bēl, (and) Nabû and has extolled their might since his childhood;

[by] the broad knowledge (and) wide understanding [that] the [sage of] gods gave me, [...] ...

they (the gods) [named] me [for shepherd]ing the land and the people.

In [order] to give the land and the people verdicts of truth and justice, the gods [Šin and] Šamaš, the twin gods, took the road of truth and justice monthly. (Ass. A, i 1-i 8')<sup>30</sup>

(As for) Baltil (Aššur), the foremost cult city, whose privileged status had been established with (that of) the people of Anu (and) Enlil from early days and whose *kannaku*-status ... – I, Esarhaddon, king of Assyria, love the inhabitants of Baltil (Aššur) like my own precious life (and thus) it occurred to me and my heart prompted me to greatly increase their freedom more than before.

I wrote anew the tablet of their exemptions. I made (them) larger (and) bigger than before; I raised (them) up (and) glorified (them). I exempted them from barley taxes (and) straw taxes, and from the dues (levied) on the quays (and) crossing points throughout my land. I established the remission (*an-du-ra-ar-šú-nu*) of their debts (and) set up the divine protection in their gates forever. (Ass. A, ii 27-iii 15)<sup>31</sup>

Aššur A comes from two copies of a series of octagonal prisms dating to 679 B.C.E. and describes the construction of Ešarra, the temple of the god Aššur in city of Aššur.<sup>32</sup> These prisms were buried as part of the foundation of the relevant building so that the gods alone were the audience.

As this is an Assyrian inscription, Esarhaddon not only identifies himself as the son of Sennacherib but lavishes the same titles upon his father that he does for himself. Rather than omitting his parentage, Esarhaddon implies that just as he revered the utterances of the gods and had “broad knowledge” and “wide understanding” from the gods to shepherd the people in truth justice so did his father. In his Babylonian inscriptions, Esarhaddon removes Sennacherib from the history and narrative of Babylon, making the gods the sole agents, but in the Assyrian inscriptions he celebrates his father as having successfully carried out the justice he had been appointed by the gods to do so.

<sup>30</sup> RINAP 4, 57, tr. Erle Leichty, *The Royal Inscriptions of Esarhaddon, King of Assyria (680-669 BC)*, 121.

<sup>31</sup> RINAP 4, 57, tr. Leichty, *The Royal Inscriptions*, 124.

<sup>32</sup> Leichty, *The Royal Inscriptions*, 119.

As with the Babylonian inscriptions, represented by Babylon Prism A below, Esarhaddon claims to have made the clean-slate decree within the context of temple construction.<sup>33</sup> Esarhaddon does not claim to restore the rights of Assyrian cultic centers; after all this inscription celebrates Sennacherib and cannot imply that Sennacherib had violated the freedoms and exemptions of the citizens of Aššur. Instead, Esarhaddon increases these privileges and exemptions and establishes a remission of debts, with the use of the term *andurārum* establishing that this is a reference to the earlier clean-slate tradition.<sup>34</sup> Though this text seems to be earlier than the Babylonian Prisms below, neither set of inscriptions says when such decrees would have been made. The clean-slate decree within Assyria would have been required by the clean-slate decree of Babylon. One can easily imagine the extreme political unrest that Esarhaddon would have faced if he proclaimed such an act for Babylon but did not do the same for Aššur. Just as if he neglected the authority of Aššur while respecting and restoring the role of Marduk through rebuilding Babylonian temples while neglecting Assyrian ones or restoring the exemptions due to the city of Babylon as Marduk's cultic center and not tending to the cultic centers of Aššur, if Esarhaddon established the remission of Babylonian debts without doing the same for Aššur, he would have implied that Aššur was subordinate to Marduk and Assyria to Babylonia.<sup>35</sup>

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<sup>33</sup> Jamie Novotny, "I Did Not Alter," observes that due to the early date of Aššur A within Esarhaddon's reign, "it is doubtful that much of the construction itself had actually taken place, apart from the removal of the previous brick superstructure and the making of bricks" (95).

<sup>34</sup> It must be noted here that there is some evidence that Sargon II also issued a clean-slate act, or at least claimed to. See: Eckart Otto, "Soziale Restitution und Vertragsrecht: *Mīšaru(m)*, *(An)-durāru(m)*, *Kirezi*, *Parā Tarnumar*, *Šemittah* und *Dērōr* in Mesopotamien, Syrien, in der hebräischen Bibel und die Frage des Rechtstransfers im Alten Testament"; N. P. Lemche, "*Andurārum* and *Mīšarum*: Comments on the Problem of Social Edicts and Their Application in the Ancient Near East"; and Pierre Villard, "*L'(an)durāru* à l'époque néo-Assyrienne," 107-24, who specifically posits a clean-slate act of Sargon II in 710 B.C.E.

<sup>35</sup> Esarhaddon's political savvy in navigating between Assyria and Babylonia can also be seen in other ways that he presented himself differently toward Assyrians and Babylonians. See Porter, *Images, Power, Politics*:

"This public relations program took a variety of forms; in Babylonia it included, for example, the king's adoption of certain Babylonian royal titles, his personal enactment of an ancient Babylonian royal ceremony, and his use in Babylonian settings of statements carefully shaped to appeal to Babylonian audiences. At the same time that messages of reconciliation were being presented in Babylonia, a different message was being presented to Assyrian audiences to reassure them of their king's continuing commitment to their needs and traditions, despite his attentions to Babylonia; this message was presented through a different building program for Assyria...and also through different Assyrianized versions of the royal inscriptions commemorating Esarhaddon's restoration work in Babylon. Esarhaddon's attention to the ideological impact of his statements and activities suggests an astute political leader's awareness of the figurative impact of his actions, as well as of their concrete results" (77).



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c. 674 B.C.E.<sup>36</sup>*Babylon A*

Source: Erie Leichty, *The Royal Inscriptions of Esarhaddon, King of Assyria (680-669 BC)*, RINAP 4, 193-201.

Text: Babylon (Prism) A (Bab. A); RINAP 4 104.

At that time, in the reign of a previous king, bad omens occurred in Sumer and Akkad. The people living there were answering each other yes for no (and) were telling lies. They led their gods away, neglected their goddesses, abandoned their rites, (and) embraced quite different (rites). They put their hands on the possessions of Esagil, the palace of the gods, an inaccessible place, and they sold the silver, gold, (and) precious stones at market value to the land Elam.

The Enlil of the gods, the god Marduk, became angry and plotted evilly to level the land (and) to destroy its people. The river Araḫtu, (normally) a river of abundance, turned into an angry wave, a raging tide, a huge flood like the deluge. It swept (its) waters destructively across the city (and) its dwellings and turned (them) into ruins. The gods dwelling in it flew up to the heavens like birds; the people living in it were hidden in another place and took refuge in an [unknown] land. The merciful god Marduk wrote that the calculated time of its abandonment (should last) 70 years, (but) his heart was quickly soothed, and he reversed the numbers and (thus) ordered its (re)occupation to be (after) 11 years. (Bab. A, i 18b-ii 9 a)<sup>37</sup>

I repaired the woeful desecrated state of the gods and goddesses who lived in it, who had been displaced by floods and storm, and whose appearances had become dim; I made their dimmed appearance bright, cleaned their dirty garments, (and) had them permanently installed on their daises, (As for) the bull colossi (and) *rābiṣu*-demons, those of the Ekur of the god En[lil, ...] ... their dilapidated part(s) ... [...] (Bab. A, iv 9 20)<sup>38</sup>

I established anew the remission (*an-du-ra-ár-šu-nu*) of debts of the wronged citizens of Babylon, people (entitled to) the privileged status (and) freedom (guaranteed by) the gods Anu and Enlil. I gathered the bought people who had become slaves (and) who had been distributed among the (foreign) riffraff and counted (them once again) as Babylonians. I returned their looted possessions, provided the naked with clothing, (and) let them take the road to [Bab]ylon. I encouraged them to (re)settle the city, build houses, plant orchards, (and) dig canals.

I restored their interrupted privileged status that had fallen into disuse. I wrote anew the tablet of their exemptions. [I] opened roads for them in all directions so that they [could establish an imp]ortant position by having [(commercial) relations] with all coun[tries]. (Bab. A, v 10-38).<sup>39</sup>

As a prism, again, the audience for this inscription are the gods alone, and it is before Marduk and the gods that Esarhaddon completely removes Sennacherib from the narrative of Babylon's

<sup>36</sup> This text and the other prisms date themselves to Esarhaddon's ascension year (681 B.C.E.), but the events mentioned in it suggest that the prisms could not have been written before the end of 674 B.C.E. (Leichty, *The Royal Inscriptions*, 193). Israel Eph'al, "Stages and Aims in the Royal Historiography of Esarhaddon," 52, argues that the use of the ascension year is meant to indicate "that Esarhaddon felt favorably toward Babylon and sought to appease it from the beginning of his reign."

<sup>37</sup> RINAP 4 104; tr. Leichty, *The Royal Inscriptions*, 195-96.

<sup>38</sup> RINAP 4 104; tr. Leichty, *The Royal Inscriptions*, 198.

<sup>39</sup> RINAP 4 104; tr. Leichty, *The Royal Inscriptions*, 199.

destruction.<sup>40</sup> Rather than the Assyrian king being the agent of the gods, Marduk is the sole agent, and no human hand is involved. The river turns into an angry wave and floods, and the gods are not smashed but fly to the heavens. Yet in this apologia, Esarhaddon does not blame the gods. The cause of their anger is the disrespect shown to the gods and goddesses by the people of Babylon. Babylon brought its destruction on itself, not through rebellion against Assyrian rule but through neglect and worse against their own gods.

Though Sennacherib also attributed his actions to the wills of the gods, in Esarhaddon's Babylonian inscriptions, Marduk and Marduk alone is the destructive agent and the fault belongs to the Babylonians. This not only removes any onus from Sennacherib or Assyria but allows Esarhaddon's restoration efforts to fit neatly within this narrative when Marduk's "heart was quickly soothed," and the god chose to shorten the period of Babylon's abandonment. Rather than being the son of the destroyer of Babylon,<sup>41</sup> Esarhaddon is the restorer appointed by Marduk himself.

A subtle change of the narrative in the Babylonian Prism A is found in iii 41b-iv 20: Esarhaddon describes restoring the neglected gods who had flown away to the temple, as if they had been neglected. The gods and goddesses "had been displaced by floods and storm" rather than destroyed by Sennacherib or his people, and their state was dim and dirty. The images were still whole but simply needed to be restored and their clothes washed. In doing this work, Esarhaddon not only sets right what the anger of the gods themselves had disrupted but treats the Babylonian gods better than the Babylonians themselves had.

It is within this context that Esarhaddon reports his restoration of the people of Babylon, bringing them back from exile and freeing them from slavery. Part of this project are the economic acts: the remission of debts; the return of looted property; and the restoration of "exemptions," the same kinds of privileges and protections that *Advice to the Prince* lays out as Babylon's just due. Bringing the people back from exile and restoring them to their privileged status is not a separate project from the rebuilding of temples or returning the gods and goddesses to the daises. Instead, restoring the population and their privileges stands alongside rebuilding Esagil according to its original measurements. The remission of debts fits naturally within this scheme. Babylon is being restored to what it was. As the people are returned to their rightful place in the city, as their property and privileges are returned to them, they are returned to a state before their indebtedness, before their exile. Esarhaddon makes an

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<sup>40</sup> Israel Eph'al, "Stages and Aims," 54, observes that none of Esarhaddon's inscriptions describe Sennacherib as the destroyer of Babylon.

<sup>41</sup> Jamie Novotny, "New Proposed Chronological Sequence and Dates of Composition of Esarhaddon's Babylon Inscriptions," 150.

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appeal to the earlier Babylonian tradition of clean-slate acts, an act required of kings by the gods to restore social order so that the humans can serve the gods. In his attempt to restore Babylon and reconcile it with Assyria, "Esarhaddon appropriated Babylonian customs to legitimize his actions."<sup>42</sup> The remission is a part of the cultic restoration and a symbol of Esarhaddon's respect of those Babylonian customs. Esarhaddon, not the son of the destroyer but the restorer appointed by the gods, is such a good and trustworthy king of Babylon that he follows the traditions of the Old Babylonian kings.

c. 671-670 B.C.E.<sup>43</sup>

Source: Hayim Tadmor, Benno Landsberger, and Simo Parpola, "The Sin of Sargon and Sennacherib's Last Will," 10-17.

Text: The Sin of Sargon

[I am Sennach]erib, the [devout] kin[g, ..... ] who revered the gods of heaven and the go[ds of Assyria].

[In] my devoutness and righteous[ness, I daily spoke with my heart], saying: "Who [can comprehend] any of the deeds [of the gods]? Let me introduce into myself the fear of [their godhead], seize their shaft [ ..... ], frequent [their holy places], and I[et me ..... ]". (The Sin of Sargon, Obv. 1-6)<sup>44</sup>

"Was it because [he honored] the gods off Assyria too much, placing them] above the gods of Babylonia [ ..... ], and was it because] he did not [keep] the treaty of the king of gods [that Sargon my father] was killed [in the enemy country and] was not b[uried] in his house?"

[ " " ... ] The haruspices whom [I had divided] into [several groups] unanimously [gave me a firm positive answer]. [ ..... I opened the pal]ms of my hands and lifted [my hands, and prayed in supplication and humility on account of Sarg]on, [my] fat[her: " ..... ] (The Sin of Sargon, Obv. 17-24)<sup>45</sup>

As for me, after I had made the statue of Aššur my lord, Assyrian scribes wrongfully prevented me from working [on the statue of Marduk] and did not let me make [the statue of Marduk, the great lord], and (thus) [shortened my life. [ ..... ]

(However), I have (now) communicated to you the grand scheme of mine which from times immemorial none of my r[oyal predecessors] had realized; [ ..... ].

(Take heed of what I have explained to you, and reconcile [the gods of Babylonia] with your gods! Aššur, the king of the god[s], has victoriously marched [from sunrise to sunset]; the gods of heaven and [the gods of Assyria will prolong] your reign; the shaft of Šamaš and [Adad ..... ] (The Sin of Sargon, Rev. 21-29)<sup>46</sup>

This text from the end of Esarhaddon's reign does not write Sennacherib out of the story as earlier texts had. Rather, the Assyrian "sins" against Babylon are pushed up a generation, removing them further from Esarhaddon. It is now Sargon II, Esarhaddon's grandfather, who sinned, and

<sup>42</sup> Nielsen, "Marduk's Return," 7.

<sup>43</sup> Ann M. Weaver, "The 'Sin of Sargon' and Esarhaddon's Reconception of Sennacherib: A Study in Divine Will, Human Politics and Royal Ideology," 64.

<sup>44</sup> Hayim Tadmor, Benno Landsberger, and Simo Parpola, "The Sin of Sargon and Sennacherib's Last Will," 11.

<sup>45</sup> Tadmor, et al, "The Sin of Sargon and Sennacherib's Last Will," 11.

<sup>46</sup> Tadmor, et al, "The Sin of Sargon," 15-17.

Esarhaddon's father is cast as "a man who desires his actions to reflect divine wishes."<sup>47</sup> Though we have already seen that Sennacherib saw his actions as aligned with the will of the gods, the narrative of The Sin of Sargon puts the focus on Sennacherib carefully seeking out that will through the science of omens. In contrast, Sargon II was denied burial when he died because he put the gods of Assyria too far above the Babylonian gods, though throughout The Sin of Sargon, Sennacherib also keeps Aššur in the highest position as the king of the gods and above Marduk. His own judgment came because he was prevented from finishing the statue of Marduk, and Sennacherib charges his successor to finish what he started.

The Sin of Sargon continues the project in the Babylonian inscriptions of changing the narrative while reinforcing that the Assyrian emperors do indeed respect and honor to the Babylonian gods, if still below Aššur. Sargon's sin in this inscription is a reflection of Sennacherib's own. Sennacherib's inability to finish the Marduk statue mirrors Esarhaddon's failure to bring Marduk back to Babylon himself, a task finished by his own heir Assurbanipal. This inscription also acknowledges that rebuilding Esagil was not enough so long as the image of Marduk remained absent from the temple. This recognition may contribute to why Esarhaddon's Babylonian inscriptions are all dated to the year of his ascension. Without the image, he could not enact the ritual "taking of the hand" of Marduk during the *akītu*-festival. Jamie Novotny proposes that, despite the actual date of a given Babylonian inscription or act, Esarhaddon's care to not offend Marduk or the Babylonians resulted in all of these inscriptions being dated to his ascension year since he was never able to complete the ceremony that would have moved him from the *de facto* ruler of Babylon to the true king of Babylon as recognized by the gods.<sup>48</sup>

## Conclusion

After the death of his father Sennacherib and his own ascension to the throne, Esarhaddon began the project of correcting his father's final actions toward Babylon—its complete destruction—and began a rebuilding and reconciliation effort. This was not a reversal of Assyrian policy but rather a return. His predecessors, including Tiglath-Pileser III and his grandfather Sargon II "combined their claims to direct Assyrian rule over Babylonia with conciliatory gestures toward the Babylonians," including participation in the *akītu* festival and adopting Babylonian royal titles.<sup>49</sup> When Esarhaddon

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<sup>47</sup> Weaver, "The 'Sin of Sargon'," 64.

<sup>48</sup> Novotny, "New Proposed Chronological Sequence," 150-51 and "'I Did Not Alter the Site Where that Temple Stood': Thoughts on Esarhaddon's Rebuilding of the Aššur Temple." 104.

<sup>49</sup> Porter, *Images, Power, and Politics*, 78.

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drew from the cultural legacy of older Mesopotamian kingdoms including the traditions of the Old Babylon kingdom, he was participating in the ongoing cultural discourse between the Assyrian empire and Babylon.<sup>50</sup>

A central part of the reconciliation project was cultic restoration. This was accomplished by emphasizing that Marduk was the one behind the destruction of Babylon and that Esarhaddon was his agent when he chose to show mercy. He rebuilt temples and restored the rights and privileges of Babylon as a cultic city due to his own piety and in obedience to the gods. It is in this context that Esarhaddon issued his clean-slate decree in Babylon. He was the just king serving as the servant and regent under the gods, Marduk as well as Aššur.

While Esarhaddon's restoration of Babylonia focused on the cultic, he also had to maintain Assyria's dominance, seen both in his treatment the cultic city of Aššur and of the god Aššur and in his more "secular" construction. Alongside temple construction in Aššur, he built "massive military and administrative centers" in Assyria to make "it abundantly clear that the north was, and was intended to remain, his real base of operations, the unchallenged military and administrative center of the empire."<sup>51</sup> As a part of this Assyrian-centric agenda, Esarhaddon issued a clean-slate decree, using the same cultic explanations, for Aššur.

Esarhaddon's restoration of Babylonia required more than respect for all things Babylonian. Sennacherib had destroyed the city of Babylon, the cultic center of Marduk, and destroyed its gods. He had to do more than rebuild. He reached back into the cultural memory and acted according to an older model, one known to Babylonia in particular. Following the model of ideal king of the past who served as the regent of the gods and who fulfilled their expectation of justice through maintaining and restoring right order, Esarhaddon issued Assyrian and Babylonian clean slate decrees. In the prism inscriptions, he makes these claims before the gods, but John P. Nielsen points out that "the subjective interpretation of past events by scribes in antiquity was not accomplished in the face of popular ignorance."<sup>52</sup> For Esarhaddon to have resurrected the clean-slate tradition of the past as merely a claim before the gods seems unlikely. Instead, the past provided the key for the future. By living into the Old Babylonian ideal,

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<sup>50</sup> For a description of tradition and cultural discourse and how they served the kings of the Neo-Assyrian empire, particularly through the activity of scribes, see Pongratz-Leisten, *Religion and Ideology*, 21.

<sup>51</sup> Porter, *Images, Power, and Politics*, 72.

<sup>52</sup> Nielsen, "Marduk's Return," 21. This is further supported by the presence of clauses in Neo-Assyrian contracts requiring reimbursement in the case of sold slaves being freed due to an "amnesty," cf. Lemche, "*Andurārum* and *Mīšarum*," 21 and J. N. Postgate, *The Governor's Palace Archive*, No 10 (38-39) and No 248 (230-32). These clauses indicate that even if clean-slate acts, or amnesties, were rare to almost non-existent in the Neo-Assyrian period, they were an active part of the cultural memory.

he fulfilled the requirements of the Advice to a Prince, even though Assurbanipal would have to complete his project. The use of the clean-slate tradition by Esarhaddon shows that this tradition had remained in the cultural memory well into the 1<sup>st</sup> millennia B.C.E. when the biblical authors would participate in and make use of this tradition. Even more so, it shows how these older traditions could be used to address present contexts.

## Chapter 5: Dating the Holiness Code and Deuteronomy

### Introduction

From the time of Julius Wellhausen, issues of dating the various sources have been at the core of Pentateuchal studies, and due to the presence of slave laws, with both their similarities and differences, in the Covenant Code, the Holiness Code, and Deuteronomy, Lev 25 and Deut 15 have featured heavily in these discussions alongside Exod 21 and 23. While this project does not focus on this debate, particularly regarding the questions of dependence or the direction of influence, these questions cannot be ignored entirely. Because this project examines how the clean-slate acts of Holiness Code and Deuteronomy shape and reflect the theology of their respective codes, the historical setting of these laws can provide some context for better understanding them, with this being especially true regarding the question of authorship and a better understanding of any immediate agendas.

Few scholars would argue for a dating of either Deut 15 or Lev 25 much earlier than the late 8<sup>th</sup> century B.C.E. During this time, the kingdoms of Israel and Judah were vassals of the Neo-Assyrian empire, and then later the southern kingdom of Judah became the vassal of the Neo-Babylonian empire. Though the majority of documented clean-slate acts in ancient Mesopotamia happened in the 2<sup>nd</sup> millennium B.C.E., there is evidence that this tradition remained within the cultural milieu into the Neo-Assyrian period.<sup>1</sup> Even later dates do not rule out the possibility of the biblical laws being influenced by the continuing memory of the clean-slate traditions in the cultural milieu. While there is little controversy regarding the date for Deuteronomy, the issue of the date for the Holiness Code is far more complicated with strong arguments being made both in favor of a date in the second half of 8<sup>th</sup> century, usually set around the time of Hezekiah, and later dates in the exilic or even post-exilic periods. This chapter will be a brief examination of the theories proposed for the dating of these law codes; their relationship to each other as well as other canonical texts, specifically Exod 21 and 23 and Jer 34; and questions of authorship.

### Overview

The narratives for both Deuteronomy and the Holiness Code are set in the wilderness as YHWH's revelation to Moses, which he then communicates to the congregation. The Holiness Code, along with

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<sup>1</sup> For a discussion on the clean-slate acts of Esarhaddon in the 7<sup>th</sup> century B.C.E., see the preceding chapter.

the Covenant Code of Exodus and the priestly material of the first half of Leviticus, is set at Sinai, while Deuteronomy tells of Moses giving the law at Horeb as the people of Israel prepare to cross into the land. While both sets of laws are given in the mytho-historical setting prior to entry into the land, there are differences in how these texts maintain this narrative fiction within the law codes. Rather than speaking of a centralized temple in Jerusalem as the place that YHWH chooses to establish YHWH's name (see, for example, Deut 12:4-7), the Holiness Code speaks of the tent of meeting and the command that the chief priest remain in the sanctuary, likely a stand-in for a concept of the temple and centralization.<sup>2</sup> Likewise, the mytho-historical setting affects how the law codes deal with the issue of the monarchy. The Holiness Code does not acknowledge the existence of a king or the possibility of a future king, while Deuteronomy describes the role of the king as a hypothetical possibility:

When you enter the land that YHWH your God is giving you, and you possess it and dwell in it, and you say, "I will set a king over me, like all the nations around me," you may indeed set over you a king, whom YHWH your God will choose. From among your kin, you will set a king over you, you shall not set a foreigner who is not one of your kin over you. (Deut 17:14-15)

The minimization of the monarchy in Deuteronomy and its absence in the Holiness Code are striking for the clean-slate laws, given that in ancient Mesopotamia it is the king who declares the clean-slate edicts, but this lack perhaps reflects more on their ideologies and theologies than it serves a potential indicator of dating. Both of these elements, the lack of any acknowledgment of a king and no explicit statement of centralization, are argued as evidence for an early dating of the Holiness Code. Even if the Holiness Code is dated to the 8<sup>th</sup> century Judah, this would put it in the monarchy, during the reign of Hezekiah.

Another explanation for the exclusion of the king in the Holiness Code and the hypothetical nature of the king in Deuteronomy could be that it serves less as an indication of a pre-monarchic date and more as an adherence to the narrative setting of these laws; the same may also be applied to the lack of centralization in the Holiness Code.

### *Deuteronomy*

There is a general consensus among scholars regarding the dating the core of Deuteronomy, which includes Deut 15. Most scholars date Deuteronomy to the second half of the 7<sup>th</sup> century during or, more likely, preceding the reign of Josiah. This dating was founded originally on account of the finding of

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<sup>2</sup> Lev 17:2-7 provides an argument against a strict sense of centralization in the Holiness Code, as it would be impractical for all Israelites to have to come to Jerusalem every time they slaughter an animal for meat to offer a portion of it as a sacrifice. However, if there are various sanctuaries scattered throughout the land, then this might be far more practical. Such sanctuaries would also ease the need for various offerings to be brought to the priest during the festivals. Counter this, see, Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, 206, where he argues that centralization is, indeed, assumed by the Holiness Code.



## Chapter 5: Dating the Holiness Code and Deuteronomy

the scroll in the temple in 2 Kgs 22, and many, though not all, scholars have accepted that this episode has a basis in historically accurate events.<sup>3</sup> As it is likely that the scroll was not presented to the king immediately upon its completion or even possible that it existed far earlier but with little influence until the Josianic reformation, some acknowledge that the date could be a bit earlier in the 7<sup>th</sup> c B.C.E.<sup>4</sup> The narrative of 2 Kings, a part of the Deuteronomistic corpus itself, is not the only evidence for a pre-exilic dating. It is also supported by the influence of Deuteronomic thought on Jeremiah in the years leading up to the Babylonian exile. The differences between the role of the king depicted in Deut 17:14-20 and Josiah's active role in the reforms in 2 Kgs 23 are not necessarily in contradiction. An argument could be made that Josiah's active role in his reforms and the legitimization of Deuteronomy as an authoritative source would be necessary within the context of the historical narrative. As a king who fears YHWH, leading the nation into right worship is a reasonable extension of the limited activity of the king as the superlative student of the Torah in Deut 17.

Alexander Rofé clearly articulates an argument as to why Deuteronomy dates to the late monarchy. He observes that exile is not among the list of punishments for Israel's disobedience in the *Ha'azinu* poem of Deut 32:1-43, nor does the promised restoration include a return from that exile,<sup>5</sup> an exclusion that would be close to impossible to imagine in an exilic or post-exilic setting. This lack cannot be due merely to maintaining the narrative, as God could take away the land just as easily as God gave it. In fact, as was seen in ch. 4, that is precisely how conquests were sometimes portrayed: abandonment by the local god as a punishment. So, the experience of exile would not be necessary for the author to imagine it as a possible punishment for disloyalty to YHWH. While, Rofé understands the work of Deuteronomy to span centuries of "legal, historical, and meditative work" including the "prophetic, priestly and court-wisdom circles," he argues that the Jerusalem-only ideology cannot be dated prior to the 7<sup>th</sup> century B.C.E., in part because the earlier prophets did not criticize the non-Jerusalem cultic sites outside or attempt to portray and justify them as temporary sites.<sup>6</sup> This is further supported by William M. Schniedewind who proposes that part of the goal of Deuteronomy was to supplant oral tradition with a written tradition. He argues that inscriptions from the 7<sup>th</sup> century point to

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<sup>3</sup> Not everyone agrees with a pre-exilic dating for Deuteronomy or accepts that 2 Kings 22 should have any bearing on dating Deuteronomy. For example, Ernest Nicholson, *Deuteronomy & the Judean Diaspora*, argues that the focus on issues of identity means that Deuteronomy can only have been written in the exilic period, a change from his previous position that the core of Deuteronomy, indeed, dates to the Josianic period.

<sup>4</sup> Cf. Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School*, argues that the Deuteronomistic School began during the period of Hezekiah as scribes in Israel come to understand wisdom in "a judicial sense in and terms of [the] ability to discern between social good and evil" (256).

<sup>5</sup> Alexander Rofé, *Deuteronomy: Issues and Interpretation*, 3.

<sup>6</sup> Rofé, *Deuteronomy*, 4-5, 9.

a rise in literacy “that allowed for profound changes in Judaeen religious practice including the introduction of an authoritative written text.”<sup>7</sup>

Regardless of how trustworthy the narrative of the discovery of the scroll of the law in 2 Kgs 22 and Josiah’s reform in 2 Kgs 23 are as historical accounts, there seems to be little reason to question a pre-exilic dating for the core of the book of Deuteronomy. C. L. Crouch, for example, argues that the search for the date of Deuteronomy must be “untethered from 2 Kings”<sup>8</sup> but still argues for a 7<sup>th</sup> century date due, primarily, to the effect of the Assyrian empire on the southern kingdom, such that Judah was “profoundly affected by the widespread political, social and economic changes.”<sup>9</sup> It must be noted that a pre-exilic date does not guarantee that it was well known beyond elite circles or that the laws of Deuteronomy were ever enacted. In fact, as will be seen below, the story of Zedekiah in Jer 34 seems to suggest that the Law of Slave Release in Deut 15:12-18 was not followed at any point in Israel or Judah’s history. Schniedewind argues that the creation of a written form of the law by the Deuteronomists in the 7<sup>th</sup> century created a new orthodoxy even as it tried to reassert traditional orthodoxy through the mosaic authority.<sup>10</sup> The newly written form of the law might not have been universally accepted as authoritative until later, as it would have been in conflict with institutions not willing to surrender their own authority or power.

### *The Holiness Code*

While there is a general consensus regarding the dating of Deuteronomy, the dating of the Holiness Code is far more controversial, though it can be divided into two primary camps. Jacob Milgrom and Israel Knohl represent the camp that argues that the Holiness Code began in the pre-exilic period, putting the first stages of the composition of the Holiness Code around the period of Hezekiah in the 8<sup>th</sup> century B.C.E. or even earlier. Most European and American scholars tend to place all of the Holiness Code much later, in either the exilic or post-exilic periods. These arguments are well known, and there is no need to rehearse the entirety of them here, but elements relevant to Lev 25 do need to be addressed.

The Sabbath is probably the most persuasive evidence for a late setting for the Holiness Code. While Deut 15:1-11 establishes that the *Šemittah* Year is every seven years, there is no mention of the Sabbath in connection to either the *Šemittah* Year or to the Law of Slave Release in Deut 15:12-18. Lev

<sup>7</sup> William M. Schniedewind, “The Textualization of Torah in the Deuteronomistic Tradition,” 162.

<sup>8</sup> C. L. Crouch, *The Making of Israel*, 106.

<sup>9</sup> Crouch, *The Making of Israel*, 82.

<sup>10</sup> Schniedewind, “The Textualization of the Torah,” 163.

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25 extends the weekly Sabbath by establishing the seventh year as a Sabbath, connected to the weekly Sabbath unambiguously by reference to “weeks of years” (Lev 25:8). Like the weekly Sabbath of Lev 23:3, the Sabbath Year is a year of complete rest, this time for the land (Lev 25:3-5). Most scholars argue that this understanding of the Sabbath as something separate from the new moon festivals is a late development, a ritual established by and for the exilic community in place of the temple. Knohl, who sees the Holiness School as spanning centuries, acknowledges that the understanding of the Sabbath as a day of rest with its holiness being comparable to that of the sanctuary is characteristic of a separate final redactional layer within the Torah, an innovation of the Holiness School.<sup>11</sup> Even Milgrom, who denies a continuous Holiness School as such, argues for an exilic holiness redactor and views the Sabbath pericope (Lev 23:2aβ-3) and the Sabbath Year (Lev 25:1-7) as the products of this redactor. Those scholars who reject that any of the Holiness Code dates to the pre-exilic period point to this understanding of the Sabbath as a primary indicator of the lateness of the Holiness Code. Bernard Goose argues that, outside of the Holiness Code, it is only in Trito-Isaiah and Ezekiel that the Sabbath is used in a way that is identified with “keeping justice” rather than the new moons, as this innovation addresses the exilic and post-exilic needs of the community.<sup>12</sup> With a plurality of scholars<sup>13</sup> including Knohl arguing for a later dating for the final form of the Holiness Code based on this understanding of Sabbath, the weight of this argument cannot be ignored, particularly for the lateness of the final form of Lev 25.

Bernard Levinson places Lev 25 in the Babylonian Exile due to the treatment of non-Israelites as seen in the Year of Jubilee legislation, specifically the issue of Israelites owning foreign slaves which he describes as “something closer to a legal fiction that functions to abrogate the law as it was originally intended to operate.”<sup>14</sup> On the other side of the treatment of non-Israelites in Lev 25, Adrian Schenker

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<sup>11</sup> Israel Knohl, “The Priestly Torah Versus the Holiness School: Sabbath and the Festivals,” 65-117. Cf. Saul Olyan, “Exodus 31:12-17: The Sabbath According to H, or the Sabbath According to P and H?” who challenges Knohl’s assertion that the Priestly source never calls for a Sabbath rest. He acknowledges that the composite nature of Exod 31:12-17 makes it impossible to tell if the Holiness Code is the final redactor or if there is a later final Priestly redactor. Despite this challenge, Olyan does not question the suggestion that Sabbath as holy rest rather than the new moon festival is a later innovation.

<sup>12</sup> Bernard Goose, “Sabbath, Identity and Universalism Go Together after the Return from the Exile.”

<sup>13</sup> David Carr, *The Formation of the Hebrew Bible: a New Reconstruction*, 302; Alan Cooper and Bernard R. Goldstein, “The Development of the Priestly Calendars (I): The Daily Sacrifice and the Sabbath”; Jeffrey Stackert, “The Sabbath of the Land in the Holiness Legislation: Combining Priestly and Non-Priestly Perspectives,” 239-50; and Stephen Kaufman “A Reconstruction of the Social Welfare Systems of Ancient Israel,” 283. Cf. Gnana Robinson, “The Idea of Rest in the Old Testament and the Search for the Basic Character of the Sabbath,” for a detailed examination of the root שָׁבַת and why the understanding of sabbath as rest can be a post-exilic innovation.

Counter this, Bill T. Arnold, *Genesis*, 29f., argues that the Priestly (likely Holiness) author of Gen 1:1-2:3 sets the foundation for the Sabbath during the pre-exilic period.

<sup>14</sup> Bernard M. Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory” 315.

argues that the special rights granted the foreigner, the possibility that they could even reach a position of wealth and privilege within Israel to be able to own property or Israelite slaves, despite having no ancestral claim to any of the land, requires a post-exilic setting for the final form of the Year of Jubilee legislation.<sup>15</sup> While the inclusion of foreigners, both as potential slaves and rich land-owners, may reflect the social realities of the exilic period, this setting is not necessary to explain non-Israelites on either side of these economic extremes. The Holiness Code acknowledges the resident alien throughout, particularly in Lev 19:33f., putting them in a subordinate position to the children of Israel and thus not breaking the narrative fiction of the Sinaitic revelation. The possibility that these resident aliens could become wealthy enough to own slaves, much less from among the children of Israel, injects a hypothetical element that breaks the utopian illusion but acknowledges the reality of Israel and Judah at all periods in their history.

There may be good reasons to argue for an 8<sup>th</sup> century B.C.E. dating, including the fact that the Year of Jubilee addresses the same kind of concerns that we see in the 8<sup>th</sup> century prophets regarding the oppression of the poor at the hands of the wealthy. While Lev 25 allows for “adding house to house,” (Isa 5:8) at least within walled cities, the permanent latifundization of fields is explicitly prohibited. Despite this, the argument for an exilic date for the final form of the Jubilee legislation simply seems more likely given the overwhelming evidence. An exilic dating could also account for the fact that unlike Deuteronomy, the Holiness Code does not make any mention of kingship. If the exiled legislators are re-imagining what life back in the land of Judah would look like, they seem to be imagining it without the presence of a king, perhaps acknowledging that such a return would not result in the same kind of partially independent client-state Judah was in the late monarchic period. The late dating for the final form of the law in Lev 25 does not exclude the possibility that it reflects a pre-exilic law or tradition. In fact, Moshe Weinfeld suggests that the Jubilee dates back to a tradition from the tribal, pre-monarchic society that became difficult to enact in monarchic Israel and Judah.<sup>16</sup> As there is no way to test his hypothesis, whether there is a historical reality behind the Year of Jubilee, Lev 25, regardless of dating, presents a utopian image of an idyllic past.

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<sup>15</sup> Adrian Schenker, “The Biblical Legislation of the Release of Slaves: The Road from Exodus to Leviticus.” 40.

<sup>16</sup> Moshe Weinfeld, “Sabbatical year and Jubilee in the Pentateuchal Laws and Their Ancient Near Eastern Background,” 58-62.

## The Role of the Covenant Code

The question of the relationship between the three slave laws of the Hebrew Bible: Exod 21:2-11 in the Covenant Code, Lev 25, and Deut 15:12-18 is often debated by scholars. While this is clearly an issue of dating, it can also be seen as a question about the broader issues of the development of the Pentateuch itself.<sup>17</sup> Based on the dating for Deuteronomy and the Holiness Code above, it would be difficult to advocate the position that Deut 15 is dependent on Lev 25, at least not with a direct literary reliance as Milgrom attempts to demonstrate.<sup>18</sup> As was noted above, scholars leave open the possibility that despite the late date for the final form of Lev 25, that the Year of Jubilee could have been an older tradition, leaving open the possibility that this earlier tradition may have influenced Deut 15. Stephen Kaufman who argues that the focus on the Sabbath in the Holiness Code is an indication of a late date for the Holiness Code, also argues that Deut 15 and the Year of Jubilee “could well be parallel independent developments.”<sup>19</sup> N. P. Lemche posits that the Law of Slave Release in the seventh year and the Year of Jubilee could have had legitimacy prior to the composition of either Deuteronomy or the Holiness Code.<sup>20</sup> The question is made more complicated by examining the relationship of Lev 25 and Deut 15 to the laws of in the Covenant Code, particularly the slave laws of Exod 21:2-11. The idea that the Covenant Code’s slave laws predate either Lev 25 or Deut 15:12-18 is not controversial but is important in discussing the relationship between the Holiness Code and Deuteronomy.

Gregory Chirichigno’s theory for the relationship of the three slave law codes has a minority status, he argues that the three codes do not contradict or develop one another but are complementary laws dealing with different levels of the severity of the debt<sup>21</sup> or different depths in the spiral of indebtedness and impoverishment explored in ch. 2. This argument suggests that the gaps and problems within each law can be filled in simply by interlocking the laws rather than arguing for a development over time whether literary or legal. For example, according to Chirichigno, the slave, male or female, who is released after 6 years of service in Deut 15 is a dependent who was sold by the *pater familias*

<sup>17</sup> See Alfred Cholewiński, *Heiligkeitgesetz und Deuteronomium: Eine Vergleichende Studie*, who argued that the Holiness Code was not only dependent on the Covenant Code and Deuteronomy but a revision of Deuteronomy, with the law on debt remission and slave release being among the points of disagreement and revision.

<sup>18</sup> Jacob Milgrom, *Leviticus 17-22*, 1357, argues that there is no evidence of Deuteronomy in the Holiness code but ample evidence that pre-exilic Deuteronomy is dependent on the Holiness Code, using Lev 25 and Deut 15 as a significant part of that argument. Cf. Sara Japhet, “The Relationship between the Legal Corpora in the Pentateuch in Light of Manumission Laws,” 73, who argues that Lev 25 is the “additional source of literary influence” that explains the *niphal* form of מִכָּר in Deut 15:12, and J. Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26*.

<sup>19</sup> Kaufman, “Social Welfare,” 283.

<sup>20</sup> N. P. Lemche, “The Manumission of Slaves: The Fallow Year, the Sabbatical Year, the Jubel Year,” 56.

<sup>21</sup> Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*.

while the slave who is released at the Jubilee in Lev 25 is the *pater familias* himself. He argues that in the final instance of the debt-cycle in Lev 25:39, it is the *pater familias* who sales himself, having already sold at least some of his dependents, who would have been subject to the Law of Slave Release in Deut 15:12-18. Of course, there is an immediate problem with this interpretation: the use of the *niphal* form of נִכַּר in Deut 15:12 versus Lev 25:39. In order to be able to sustain his complimentary argument, in Lev 25:39, this form must be read in the reflexive but as passive that excludes the reflexive in Deut 15:12. While the desire to attempt to harmonize the passages is, perhaps, understandable, the *niphal* is demonstrative of the problems this solution creates.

Alone among scholars is John Van Seters who argues that the Covenant Code's law of Exod 21:2-11 is the latest of the slave laws and set in the exilic period. According to his updated article in response to his detractors, it is the treatment of the female slave that is the basis for his assertion.<sup>22</sup> For Van Seters the law of the female slave in Exod 21 is not corrected by the insistence in Deut 15:12-18 that the law is the same for the male and the female Hebrew slave, but rather that the Covenant Code made a needed correction to the inclusion of women in Deut 15 and, implicitly, in Lev 25. While his work is not widely accepted,<sup>23</sup> it does at least provide a warning that conclusions about the direction of dependence may often be based primarily on preconceptions about the development of the Pentateuch, which he argues is the reason that the Covenant Code is always argued to be the earliest law code. If that were the only argument for the priority of Exod 21:2-11 over Deut 15:12-18 or Lev 25, he would have a valid point.

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<sup>22</sup> John Van Seters, "The Law of the Hebrew Slave," and "Law of the Hebrew Slave: A Continuing Debate". A full evaluation of Van Seters' arguments will be not addressed here, as they have already been well addressed.

Carolyn Pressler, "Wives and Daughters, Bond and Free: Views of Women in the Slave Laws of Exodus 21:2-11" 160f., provides a potential supporting argument for Van Seters, though she herself does not agree with his conclusions, as she argues that there is no reason to assume that Exod 21:1-11 includes women who enter slavery "not under male authority" (170). I would argue that the fact that Deut 15:11-18 finds it necessary to explicitly include women twice indicates that even if the Covenant Code implicitly includes some women, Deuteronomy is a later correction, and, notably, does not treat those women to whom it applies as "non-normative" (170).

Van Seters' assertion that the differences between the treatment of female slaves in Exod 21 and Deut. 15 is the basis for his conclusion that the Covenant Code's law is the latest of the slave laws is striking as it stands contrary to the majority of scholarship on the law codes. For example, S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 182, where he argues that "the addition of the 'or an Hebrewess' in Deut 15:12 is also a pointed one, which would hardly have been made, unless some material modification of the law of Exodus had been intended by it." More than a century later, this argument remains the more likely interpretation of the difference between the slave laws of the Covenant Code and Deuteronomy.

<sup>23</sup> Bernard M. Levinson, "The 'Effected Object' in Contractual Legal Language: The Semantics of 'If You Purchase a Hebrew Slave' (Exod XXI 2)," also challenges Van Seters through a close semantic reading that shows that Exod 21 is not describing the purchase of someone who is already a slave, but that the purchase is what makes the person a slave.

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More common is the argument that Deuteronomy is directly dependent on the Covenant Code. According to Levinson, whose ideas have found wide acceptance, Deuteronomy had “the Covenant Code as a textual resource in order to pursue their own very different religious and legal agenda.”<sup>24</sup> For him, Deuteronomy is doing more than simply updating the earlier law code but rather is transforming the laws of the Covenant Code into something new and subversive. Others see Deuteronomy as bringing Covenant Code up to date in a changing world. According to Mark Biddle, Deuteronomy brings the agrarian laws into the urban reality of the late monarchy,<sup>25</sup> an interpretation potentially supported by Deuteronomy’s development of the “letting drop” (תִּשְׁמְטָהּ) of the fallow year in Exod 23:11 to the “letting drop” (לִּשְׁמֹטָהּ) of Deut 15:1-11. Carolyn Pressler likewise proposes that Deuteronomy’s development of the earlier law is based on the difference of reality in Israel and Judah between the earlier and late monarchic periods. This would mean that the inclusion of women in Deuteronomy’s Law of Slave Release is not the result of a fundamental change in how women were viewed but rather that “war and other social disruptions had led to an increase in the number of women outside of the protection of a male-headed household and thus economically vulnerable.”<sup>26</sup> Other scholars also propose that Deuteronomy did not supplant the Covenant Code, either intentionally or successfully if that had indeed been the author’s goal.<sup>27</sup> For Peter Altman, Deuteronomy both reaffirms the Covenant Code and “attempts to redefine what it means to act as or to be ‘Israel’,” a necessary development created by the Assyrian crisis which “may have led to profound soul searching and return to roots in Jerusalem and its environs.”<sup>28</sup> While these propose some differences among why Deuteronomy revised the Covenant Code, they all agree that Deuteronomy intended to revise the Covenant Code due, in part, to changing social realities present in the late monarchic period of the 7<sup>th</sup> century B.C.E.

As Van Seters’ theory above demonstrates, the slave laws are often directly connected to Pentateuchal theory, explaining why it is that these laws are such an issue of contention among Pentateuchal scholars, particularly in the relationship between the Holiness Code and Deuteronomy.

<sup>24</sup> Bernard H. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation*, 149.

<sup>25</sup> Mark Biddle, *Deuteronomy*, 199.

<sup>26</sup> Pressler, “Wives and Daughters,” 171.

<sup>27</sup> See Eckard Otto, *Kontinuum und Proprium: Studien zur Sozial- und Rechtsgeschichte des Alten Orients und des Alten Testaments*, 115, in which he argues that Deuteronomy did not supplement the Covenant Code, and, in fact, in the final version of the Torah, the Covenant Code maintains a place of priority with Deuteronomy functioning “merely as its repetition as witnessed by Moses in the plain of Moab.” Cf. Jürg Hutzli, *Die Erzählung von Hanna und Samuel: textkritische und literarische Analyse von 1. Samuel 1-2 unter Berücksichtigung des Kontextes*, 251-52.

<sup>28</sup> Peter Altmann, *Festive Meals in Ancient Israel: Deuteronomy’s Identity Politics in Their Ancient Near Eastern Context*, 22. Cf. Joachim Schaper, “Schriftauslegung und Schriftwerdung im alten Israel: Eine vergleichende Exegese von Ex 20,24-26 und Dtn 12,13-19,” 125-26.

Given that many scholars accept the proposal of Knohl that the Holiness Code is a late layer of the Priestly source and is responsible for the final recension of either the Priestly Torah or the entire Pentateuch, it is not surprising that many scholars see Lev 25 as responding to and even correcting both Exod 21:2-11 and Deut 15:12-18. Even Saul Olyan's challenge to some of Knohl's base assumptions does not ultimately reject the possibility that the Holiness Code is the final redaction.<sup>29</sup> Christophe Nihan argues that the Holiness Code is dependent on Deuteronomy but with a systematic, comprehensive reception and reinterpretation of both Deuteronomy and the Covenant Code.<sup>30</sup> For Otto, Deuteronomy revises the Covenant Code according to the "hermeneutical key of cult centralization" along with social and ethical laws "to stabilize a brotherly ethos,"<sup>31</sup> and the Holiness Code was never an independent source but influenced the final form of the Pentateuch by combining and reworking material from the Covenant Code, the Priestly source, and Deuteronomy. Jeffrey Stackert examines the relationship through an "analysis of grammatical formulation" and also reaches the conclusion that the Holiness Code is dependent on and responding to both Deuteronomy and the Covenant Code. He also posits that the Year of Jubilee is a reworking of the "forever" (עולם) of Deut 15:16-17, "instituting a limit on the period of time that the 'slave'...must be separated from his ancestral land."<sup>32</sup> That is to say that even the slave who has decided to remain with their master rather than accept manumission must be released in the Year of Jubilee.

Not all scholars agree that the Holiness Code is dependent on or an attempt to revise Deuteronomy. In the most extreme case, Milgrom claims that the Holiness Code predates Deuteronomy and that it is Deuteronomy that is dependent on the Holiness Code. Even scholars who see the Holiness Code as later may not view the Holiness Code as a revision or replacement of Deuteronomy. Udo Rüterswörden argues that the assumption that Lev 25 revises and supplants Deut 15 on the basis that Deuteronomy later lost its applicability cannot be sustained.<sup>33</sup> According to him, both Neh 10 and the

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<sup>29</sup> See fn. 8 above.

<sup>30</sup> Christophe Nihan, *From Priestly Torah: A Study in the Composition of the Book of Leviticus*, 547.

Following Nihan, Peter Altmann, *Economics in Persian-Period Biblical Texts*, 196f., argues that not only Lev 25 rework Exod 21 and Deut 15, but that the Persian period best provides the historical context for Lev 25 for both the use communal ethic and its potential role in "(re-)creating and (re)claiming a communal identity" (200) and the possibility for a dependent worker to be able to earn enough to pay off loans.

<sup>31</sup> Eckart Otto, "False Weights and Scales of Biblical Justice? Different Views of Women from Patriarchal Hierarchy to Religious Equality in the Book of Deuteronomy," 131; See also Eckart Otto *Deuteronomium 12-34: Erster Teilband: 12,1-23,15*, 1338, in which Otto argues that the Deuteronomist saw the fallow year as an ineffectual means for helping the poor and rethought the *Šemittah* Year to recreate the rightful interaction between people under the authority of YHWH with the focus on solidarity.

<sup>32</sup> Stackert, *Rewriting the Torah*, 90.

<sup>33</sup> Udo Rüterswörden, *Das Buch Deuteronomium*, 99-100.



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Prosbol of Rabbi Hillel show that Deut 15 was considered applicable, or at least that its applicability needed to be addressed, even in Second Temple Judaism. Likewise, he argues that Neh 10 and a Qumran text (1Q22) show that the reintegration of Deut 15:1-11's interpretation of the *Šemittah* Year as debt forgiveness and Exod 23's agricultural focus is not unique to Lev 25. While these assertions are undoubtedly accurate, Lev 25 does not replace Deut 15 entirely within the reception history of these texts nor does Lev 25 create the reunification of Deut 15 and Exod 23 from whole cloth. Neither contradicts the possibility of Lev 25 being a revision of Deut 15:1-18.

Again, attention must be turned to the question of Sabbath, as Lev 25 contains several essential elements that are absent in both Exod 21:2-11 and Deut 15:1-18, particularly the direct connection of the Sabbath to the clean-slate acts, with a Sabbath Year that functions as a Sabbath for the land to parallel the Sabbath day for people. Lemche suggests that the 50-year term of the Year of Jubilee is a later development and that it was initially 7 years as is found in both the Covenant Code and Deuteronomy.<sup>34</sup> For Stackert, the Holiness Code extended the weekly sabbath to the 7<sup>th</sup> year of a week of years in an attempt to engage with the Covenant Code, the Priestly source, and Deuteronomy.<sup>35</sup> Likewise, Mark Leuchter argues that "the H author then went one step further, playing on the 'seven years' rhetoric associated with the שְׁמִטָּה, incorporating it into a sabbatical discourse (Lev 25:1-8) and establishing the jubilee as a meta-Sabbath into which all such counting cycles culminated."<sup>36</sup> Nihan also points out that Deut 15:1-11 divorces the seventh year שְׁמִטָּה from its agricultural meaning of fallow in Exod 23 to focus entirely on the socio-economic act of debt forgiveness. Lev 25 then restores the agricultural meaning and simultaneously, by connecting the Year of Jubilee to the Sabbath Year cycle, reintegrates the agricultural and the socio-economic.<sup>37</sup>

It remains possible that both traditions developed independently, with some form of the Covenant Code in the background. S.R. Driver argued that not only are the traditions in Deut 15 and Lev 25 wholly independent from each other, with each showing "little consciousness" of the other, and further that Lev 25 is likewise unaware of Exod 21.<sup>38</sup> Despite both Driver and Milgrom's argument that

<sup>34</sup> Lemche, "The Manumission of Slaves," 50.

<sup>35</sup> Stackert, "The Sabbath of the Land," 240. It must be acknowledged that Stackert is more concerned with the first portion of Lev 25 which deals not with debt release, the restoration of property, or the release of slaves, but rather with the sabbath year which is both a sabbath to YHWH and a sabbath of the land. However, as Lev 25 then uses this to build the calendar with 7 weeks of years, it is relevant to this discussion.

<sup>36</sup> Mark Leuchter, "The Manumission Laws in Leviticus and Deuteronomy: The Jeremiah Connection," 647.

<sup>37</sup> Nihan, *From Priestly Torah*, 549.

<sup>38</sup> Driver, *Deuteronomy*, 185. Here, Driver also allowed for the possibility that Deuteronomy is later than the Holiness Code.

there is no good evidence for the influence of Deuteronomy on the Holiness Code, the most reasonable conclusion is that the Holiness Code responds to Deuteronomy and not the other way around. The assertion that the Holiness Code follows Deuteronomy and is, perhaps, in some degree aware of the earlier Covenant Code, should not be seen as subordinating the Holiness Code to either Deuteronomy or the Covenant Code, as Lev 25 creatively responds to and reforms Deut 15.

### Evidence from Jeremiah 34

Jer 34:8-22 tells the story of King Zedekiah's attempt to gain YHWH's favor and protection from the Babylonian threat by issuing a limited clean-slate edict: in this particular case, a manumission. According to this passage, this slave release was not a good faith attempt to move Jerusalem and Judah back into the will of God but rather a way to trick God into providing Jerusalem with protection from an imminent threat, and it was, initially, a successful endeavor. This insincere nature can be seen when the released slaves were brought back into slavery in short order (Jer 34:11), despite the assertion that the covenant made by Zedekiah, the officials, and the people was to prevent them from being slaves again (Jer 34:10). The story is a fascinating drama between YHWH and the people of Jerusalem during the time of Jeremiah and the events leading up to the destruction of Jerusalem and the exile, but what is particularly interesting for this project is the description of the liberty (לְרִירוֹ), which does not align entirely with what is found in either Deut 15 or Lev 25 but may give some insight to the question of dating and the relationship between these texts. It should be noted that Jeremiah 34 is not particularly detailed in either Zedekiah's proclamation or YHWH's description of the law established with the ancestors, so the conclusions drawn from this analysis are, by nature, limited.

According to Jer 34:8-10, the proclamation of liberty only deals with the issue of slavery:

The word that came to Jeremiah from the Lord, after King Zedekiah had made a covenant with all the people in Jerusalem to make a proclamation of liberty to them — that all should set free their Hebrew slaves, male and female (וְהָעֲבָדִי וְהָעֲבָדָה), so that no one should hold another Judean (בְּיִהוּדִי) in slavery. And they obeyed, all the officials and all the people who had entered into the covenant that all would set free their slaves, male or female, so that they would not be enslaved again; they obeyed and set them free.

As in Deuteronomy 15:12-18, alone among the slave laws of the Pentateuch, the equal treatment of male and female slaves is explicitly stated. Still, the imagined Israelite slave is a man and perhaps, though not exclusively, the *pater familias*. So even though the implication is there, Lev 25 does not explicitly apply the prohibition against ruling over Israelite slaves “ruthlessly” in Lev 25:43, 46 to Israelite women. Deut 15:12-18 stresses this equality twice, in Deut 15:12, 17, framing the Law of Slave Release

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with gender equality. In Deut 15:12, the language describing the “Hebrew, male or female” is almost identical (הֶעֱבְרִי אוֹ הֶעֱבְרִיָּה), though it is immediately interpreted as “Judean.” This explanation of the term “Hebrew,” may be due not primarily to Jeremiah’s setting in the southern kingdom of Judah but the rarity of the term עֶבְרִי. When עֶבְרִי is used in the Hebrew Bible it tends to have “an older association with slavery,”<sup>39</sup> as in the slave laws and Jeremiah’s citation of Deut 15. Not only does Jeremiah cite the Law of Slave Release from Deuteronomy but also provides clarification for the audience.

As stated above, Jer 34 presents the stated goal of Zedekiah’s covenant as such that the freed slaves “would not be enslaved again.” Deut 15 is unique in setting forth a provision to bring about that end:

And when you send them away from you, a free person, do not send them away empty-handed. You shall surely richly furnish them from your flock and from your threshing floor and from your winepress; of which YHWH your God blesses you, you shall give them. Remember that you were a slave in the land of Egypt, and YHWH your God redeemed you; thus, I command you in this matter today. (Deut 15:13-15)

Again, an argument can be made that the Year of Jubilee also provides for the long-term goal of helping persons escape the debt-cycle entirely and not have to re-enter slavery later. This can be seen in the overall program of the Year of Jubilee as not only are slaves released to freedom but also any land that was taken as a default for or a distress sale to pay debts is also released, so that the slaves “go back to their family and return to their ancestral holding” (Lev 25:41). This return to their ancestral lands and fields means that the released slaves would have the resources needed to be able to truly have a clean slate from which they could start over. It is only in Deut 15 that the former slaveholders are required to provide for their freed slaves. If those who entered into Zedekiah’s covenant were genuinely aiming to make sure that the emancipated would not return to slavery in the future, following the requirements of Deut 15 would have accomplished that, and since the return of confiscated property is not mentioned in Jer 34, the mechanisms of the Year of Jubilee were not enacted to protect the former slaves from the debt-cycle.

No mention of the kind of provisioning required in Deut 15:13-14 of the released slaves is made, and according to Jer 34:11 the effectiveness of this covenanted proclamation of liberty was short-lived:

But afterward, they turned about and took back the male and female slaves they had set free and brought them again into subjection as slaves.

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<sup>39</sup> Jack R. Lundbom, *Jeremiah 21-36*, 562. He also points out that it is used “chiefly in the mouths of foreigners or when an Israelite is identifying himself to a foreigner.”

The reading suggested YHWH's response is that this release was a one-time event and an attempt to win YHWH's favor and protection. The narrative set-up for Zedekiah's covenant is an oracle against Zedekiah (Jer 34:2-6) and the pending attack on Jerusalem by the Babylonian army so that the manumission edict is a desperate attempt to stave off the Babylonians. A reading that would be fairer to Zedekiah might be that the failure was not following the command to provide for the released slaves rather than an attempt to trick YHWH and to deliberately re-enslave the manumitted slaves. Either way, the result was that the slaves were freed but into poverty so that returning to slavery was inevitable. The wealthy did not seem to view the covenant an obligation to not re-purchase the former slaves, or perhaps, they did indeed feel that the deliverance from Babylon had already occurred and there was no need to hold up their end of the bargain.

The influence of the Law of Slave Release in Deut 15:12-18 can also be seen in YHWH's description of the covenant with their ancestors:

Thus says YHWH, the God of Israel: I, myself, made a covenant with your ancestors when I brought them out of the land of Egypt, out of the house of slavery, saying, "Every seventh year each of you must set free any Hebrews who have been sold to you and have served you for six years; you must set them free from your service." But your ancestors did not listen to me or incline their ears to me. (Jer 34:13-14)

As is seen in many current faulty readings of Deut 15, there seems to be a conflation between a universal release of debts and the release of individual slaves after 6 years of service. Such a lack of clarity between "every seventh year" and those who "have served you for six years" suggests some level of familiarity with Deut 15 and the connection between the *Šemittah* Year of Deut 15:1-11 and the end of individual tenures of slavery in Deut 15:12-18. This could also suggest that the author of Jeremiah did not have the text in front of them but is instead going off of a memory of the written law. This could be less an issue of confusion but rather a reflection that Deuteronomy may have been influential among the learned circles to which Jeremiah and the author belonged, but that the exact text was not as well known. Regardless, YHWH states that Hebrew slaves were to serve no more than 6 years, and while the exodus event is cited as the setting for this covenant rather than the eve of the people entering the land, the connection between YHWH's complaint and Deut 15:1-18 is clear.

Perhaps less clear or immediately evident are connections between Jer 34 and the Year of Jubilee in Lev 25, and what connections there could be do not necessarily reflect any influence of Lev 25 on Jer 34. Both texts refer to the *andurārum* tradition in ancient Mesopotamia by the use of the word **לְדָרֹר** ("liberty"), but that in no way indicates a direction of dependency. Weinfeld argues that Jer 34

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“was also to a certain extent dependent on the priestly law.”<sup>40</sup> For him, the connection between Lev 25 and Jer 34 is, at least in part, literary. He argues that not only from the word **יִרְדֹּר** and the phrases in which it appears but also from the use of the root **חָלַל** (“profane”) in Jer 34:16 and by the Holiness Code in Lev 18:21; 19:12; and 22:32. While there are fundamental differences, particularly the involvement of the king, Weinfeld argues that “in Jer 34, Zedekiah proclaims manumission of all slaves in the same year without consideration of the number of years of service of every individual slave” so that it “corresponds more closely to the law in Lev 25 concerning the year of Jubilee in which liberty was proclaimed to all the inhabitants of the land and in consequence of this every man returned to his own property and family.”<sup>41</sup> His interpretation that Jer 34 seems to draw from both Deut 15 and Lev 25 fits well with his assertion that these laws were effectual until the period of the monarchy, at which point they became difficult or even impossible to enforce. Contrary to this, Leuchter argues that it is Lev 25 that draws from Jer 34 in both language and ideology.<sup>42</sup> He argues that if Jer 34 were used as a part of attack on Zadokite priests in the exilic period, that by building on Jer 34, Lev 25:39-46 uses the “unavoidable ambiguity” mentioned above to “fire back” at this assault “through the radical redefinition of D’s manumission laws.”<sup>43</sup> As Weinfeld and Leuchter both acknowledge, due to what they view as the inapplicability of the Year of Jubilee, at least as presented in Lev 25, an exilic dating for the Year of Jubilee legislation seems the most compelling conclusion from Lev 25’s relationship to Jer 34, though both texts likely reflect a neglected tradition.<sup>44</sup>

## Authorship

The question of authorship may be more critical for the present project than the question of when these laws were written, though the two are not wholly distinct. The answers to this question lead

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<sup>40</sup> Moshe Weinfeld, “Sabbatical Year and Jubilee in the Pentateuchal Laws and Their Ancient Near Eastern Background,” 40-41.

<sup>41</sup> Weinfeld, “Sabbatical Year and Jubilee,” 40. Note in the discussion about this issue, the difference between a universal release and an established tenure above. Weinfeld is not wrong to say that, in this aspect, a universal release of slaves is more similar to Lev 25, but that is not necessarily evidence for dependence, literary or otherwise, of Jer 34 on the Year of Jubilee. It must also be noted that, if any tradition of slave release had been ignored up to this point, then there were likely more slaves who were past their tenure than having served for less than six years, such that a universal release would be a necessary solution, especially if it were a desperate move to try to buy YHWH’s favor.

See also Rütterswörden, *Das Buch Deuteronomium*, 100, who argues that the use of **יִרְדֹּר** and the universality of Zedekiah’s act shows that Jer 34 is at least as dependent on Lev 25 as it is on Deut 15.

<sup>42</sup> Leuchter, “The Manumission Laws,” 651.

<sup>43</sup> Leuchter, “The Manumission Laws,” 646.

<sup>44</sup> See Leuchter, “The Manumission Laws,” 638 and Weinfeld, “Sabbatical Year and Jubilee,” 43.

in two possible directions. The first is more optimistic, examining the historical circumstances and crises that provide the impetus for the revision of earlier laws. This approach asks if there was a specific need or crisis that the authors were addressing while assuming that the authors act, primarily, in a good faith attempt to return the children of Israel to an ideal. The other is perhaps more cynical, suggesting that the authors of the law codes were those who might most benefit from them in their historical context. For example, the local farmer far from Jerusalem did not stand to benefit from the centralization of the cult seen in Deuteronomy as there would no longer be a legitimate place to offer sacrifice or to participate in the cult. In fact, the command to travel to Jerusalem yearly to enjoy the tithe, even with the allowance that the produce and firstlings may be converted to silver (Deut 14:22-27), places a burden on those subsistence households who live any distance from Jerusalem. The question of authorship of the Holiness Code and Deuteronomy, particularly regarding Lev 25 and Deut 15:1-18, could be tied to the question of who most benefits from these clean-slate acts.<sup>45</sup> Most likely, the answer is some combination of the two: that the legislators acted in good faith in the face of changing circumstances and crises while at the same time enshrining their own authority.

### *Deuteronomy*

Dating the book of Deuteronomy to the Josianic reforms in the 7<sup>th</sup> century B.C.E. and after the conquest of the northern kingdom of Israel in 720, lends itself to the hypothesis that the challenges faced by the small kingdom of Judah and by the worshipers of YHWH in light of the Neo-Assyrian Empire were contributing factors to the composition of Deuteronomy. According to Eckart Otto, it is precisely this crisis that drives the entire reform program of Deuteronomy including the centralization of the cult in Jerusalem:

Die Kultzentralisierung will den Nachweis führen, daß Jerusalem nicht hinter Aššur zurücksteht und die JHWH-Religion an Rationalität und Modernität nicht hinter der Aššur-Religion.<sup>46</sup>

For Otto, the centralization reform that is at the core of Deuteronomy is not primarily to benefit the priests of the Jerusalem temple over against competing religious authorities, though that is undoubtedly a part of the motivation. Instead, it is an effort to sustain YHWH-ism in the face of the power of the Neo-Assyrian empire and the perceived power of the Assyrian gods. Perhaps it is then not surprising that, despite the narrative of Josiah's reforms in 2 Kgs 23, Otto sees the original core of Deuteronomy as

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<sup>45</sup> This question could be seen as reflected in the narrative of Jer 34 discussed above, in which the manumitted slaves receive little true benefit but the elite, unsuccessfully, attempt to derive the benefit of appeasing YHWH. This may also be an element of the narrative of Neh 5, which will be covered in Excursus 2.

<sup>46</sup> Eckart Otto, *Das Deuteronomium: Politische theologie und Rechtsreform in Juda und Assyrien*, 365.

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being a “loyalty oath to JHWH, that circulated in a small group of priestly intellectuals in Jerusalem.”<sup>47</sup> If Otto is correct that Deuteronomy is meant to be a challenge to the authority of the empire and the Assyrian gods, then the similarities to the Assyrian vassal treaties<sup>48</sup> represents resistance and competition, not only using the cultural forms that the elites of a vassal nation would be familiar with but also subverting the form to elevate YHWH above Assyria.<sup>49</sup> Levinson takes this even further describing the subversion of the vassal treaty as an act of rebellion, “an attempt at liberation from imperial rule” with the reworking coming “in the service of a bid for political and cultural autonomy.”<sup>50</sup> So while it would serve the purposes of a YHWH-only faction within the court scribes, the larger goal was to address the Assyrian crisis.

In the midst of the Assyrian crisis, the size of Jerusalem and its population may have contributed to the centralization. Along with a move toward something that might begin to resemble monotheism, this could be seen as a radical rejection of Judah’s vassal status to the empire, as seen above.<sup>51</sup> Not only would the other gods of the Canaanite pantheon be rejected but also the Assyrian gods, and the identity of the people would be bound to their complete and sole loyalty to YHWH. Likewise, by resembling the vassal treaties, the scribes subverted the required loyalty to Assyria with loyalty to YHWH. Anna Norrback suggests that the minimization of the king in Deuteronomy and the command to the congregation to protect the fatherless and the widow, as well as the impoverished debtor in Deut 15:1-18, indicates that “it is not the king alone who is responsible” for maintaining this justice, putting the

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<sup>47</sup> Eckart Otto, “The Pentateuch in Synchronical and Diachronical Perspectives: Protorabbinic Scribal erudition Mediating Between Deuteronomy and the Priestly Code” 20.

<sup>48</sup> For an example of a Neo-Assyrian vassal treaty see Jacob Lauinger, “Esarhaddon’s Succession Treaty at Tell Tayinat: Text and Commentary.”

<sup>49</sup> For Eckart Otto, “Political Theology in Judah and Assyria: The Beginning of the Bible as Literature,” the Assyrian crisis and Israel’s resistance to the rightful rule of the Assyrian king influenced more than the subordination of the vassal treaties by Deuteronomy. He posits that the Sargonids also provided the basis for Moses and the exodus story. By paralleling aspects of the Neo-Assyrian kings, particularly of the life of Esarhaddon, the biblical authors of the 7<sup>th</sup> century created Moses as an anti-type so that:

the royal function of mediation was transferred to an ideal figure of Israel’s past. With the denial of the concept of sacral kingship, its corresponding ideas of society and its constituents were rejected. For the authors of the Moses-Exodus account, “Israel” was constituted not by a state hierarchy with the king as its central personality but by a covenant between YHWH and his people. This was not an idea of Judaeen groups during the exile but a Judaeen counter-programme of the seventh century B.C.E., which rejected Assyrian claims to loyalty. For the first time in the Ancient Near East the idea of political freedom because of obligations to God’s will was born (75).

<sup>50</sup> Bernard H. Levinson, “Esarhaddon’s Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1,” 342.

<sup>51</sup> For a detailed examination of how the Assyrian crisis, especially the conquest of Judah by Sennacherib in 701 affected the Kingdom even though it never became a province, see Nadav Na’aman, *Ancient Israel and Its Neighbors: Interaction and Counteraction, Collected Essays Vol 1*.

whole of the people in “the role of the vassal king,”<sup>52</sup> following a god of justice rather than a king of justice. Additionally, it may be that in the light of kings who did not meet the Deuteronomic requirement of YHWH-only worship, the scribes felt it necessary to supplant the importance of the king in order to protect the special relationship between the people and YHWH. This, too, would subvert the ancient Near Eastern understanding of a king as an intermediary between the gods and the people.

Rofé also suggests that the influence of ancient Near Eastern ideas on the laws of Israel provides the explanation of Deuteronomy’s revision of the slave and fallow laws of the Covenant Code. Through three centuries of contact with the empires of the east, “Mesopotamian institutions *infiltrated* the Israelite legal system and original Israelite institutions were reinterpreted according to Assyro-Babylonian practice.”<sup>53</sup> It is in this context that Deuteronomy reworked the Covenant Code’s laws in the *Šemittah* Year. Rofé does not provide any motivation for the authors of Deuteronomy to accept this infiltration and use it as a key for revising earlier laws. Perhaps, if we follow his reasoning, it would be that, along with the centralizing project, some laws were updated to be more culturally relevant rather than any attempt to replace the laws with something more just or progressive. As mentioned above, this could be the result of a shift to a centralized and urban society. The move from the agricultural focus of fallow year to a more economic concept of a remission of debts could be seen as an example. On the other hand, cultural creep from the dominant culture may simply be unavoidable. Thus, it may be that Deuteronomy’s revision of the Covenant Code is merely bringing the laws up to date, as the influence of the Mesopotamian empires was unavoidable, to stay relevant. However, this solution seems too simplistic to stand alone.

Working with the narrative of Jeremiah and 2 Kgs 22, Weinfeld views the scribes of the Shaphan family as the leaders of the literary school behind Deuteronomy and the Deuteronomic redaction of the book of Jeremiah.<sup>54</sup> It is, after all, Shaphan who delivers the book of the law to Josiah (2 Kgs 22:8-10) and his son Ahikam who protects Jeremiah from being killed by the people of King Jehoiakim (Jer 26:24). With this in the background, Weinfeld argues that Deuteronomy views the monarchy in a favorable light and that even the negative attitude toward the kind of materially hungry monarchy seen in Solomon comes from the Josianic court itself.<sup>55</sup> The limited view of the king in Deut 17 would serve to demonstrate that Josiah’s centralization project and YHWH-ist reforms are evidence of being Josiah a righteous king, turning his study of the law into action. He goes so far as to align the agenda of

<sup>52</sup> Anna Norrback, *The Fatherless and the Widow in the Deuteronomic Covenant*, 129.

<sup>53</sup> Rofé, *Deuteronomy*, 219; emphasis the author’s.

<sup>54</sup> Weinfeld, *Deuteronomy and the Deuteronomic School*, 158-160.

<sup>55</sup> Weinfeld, *Deuteronomy and the Deuteronomic School*, 168-169.



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Deuteronomy with those of Hezekiah and Josiah, rather than the other way around: “The scribes gave full expression to the religious national aims of Hezekiah and Josiah in the laws dealing with cult centralization and the extirpation of the foreign cult. As priests maintained authority in the field of ‘ritual-judicial (oral) instruction’.”<sup>56</sup> During the time of Josiah, the new authority given to the written Torah would not have immediately diminished the power of the priests but rather, by legitimizing the priests and the king, the scribal legislators ultimately subordinated the authority of these institutions to the definitive authority of the Torah and elevated the role of the scribes. If one follows Weinfeld’s arguments then the scribes behind Deuteronomy were subtle, making sure to rise to power without directly threatening either the palace or the temple.

Levinson sees Deuteronomy as doing more than subtly subordinating the authority of the king but rather that it “in effect usurps the traditional authority of the king”<sup>57</sup> immediately. He does agree with Weinfeld that this is part of a larger project of subordinating “each branch of public office” to cultic centralization and the Deuteronomic Torah.<sup>58</sup> Levinson’s theory suggests a less subtle and more radical assignment “to the Temple the ultimate judicial responsibility more conventionally held by the monarch.”<sup>59</sup> Like Weinfeld, Levinson proposes that Deuteronomy was written by court scribes, though he does not name a particular family. Instead, he proposes that these were scribes who believed in the reforms begun under Hezekiah but became disillusioned by conditions under Manasseh. In response to this, they created a systemic but utopian reform.<sup>60</sup> Though Levinson’s argument may suggest a deliberate and immediate power grab, it is still rooted in a sincere attempt to envision a just society under YHWH.

It is possible that the scribes who wrote Deuteronomy in the light of the Assyrian crisis did not see themselves as making a play for power, either subtly or overtly, though they may have viewed themselves as the most qualified to guide the congregation to their ideal. Instead, they created an ethic of brotherhood by which YHWH-alone worshipers were bound and guided by the written law, of which they happened to be the mediators. The release of debts, limited to members of the community, and

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<sup>56</sup> Weinfeld, *Deuteronomy and the Deuteronomistic School*, 163.

<sup>57</sup> Bernard M. Levinson, “The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History’s Transformation of Torah,” 312. The usurping of the king, for Levinson is supported by what he argues was the shared ideology of the king between Judah and the rest of the ancient Near East which Deuteronomy subverts.

<sup>58</sup> Levinson, “The Reconceptualization of Kingship,” 312.

<sup>59</sup> Levinson, “The Reconceptualization of Kingship,” 520.

<sup>60</sup> Levinson, “The Reconceptualization of Kingship,” 527. In support that this was utopian, Levinson argues that Deuteronomistic Historian’s depiction of Josiah’s role in the establishment of Deuteronomy subverts Deuteronomy’s attempt to subordinate the king, depicting the king in a more traditional role, as the leader of the cult (326).

the manumission and provisioning of slaves not only establishes preferential treatment for the YHWH-only community but also draws upon this in-group kinship to promote a sense of community and an ethic of mutual aid. Such a project was likely viewed as necessary to create or strengthen the identity of the people and to resist the Assyrians. Yet as the project of the written Torah continued into the exilic and post-exilic period, no matter how well-meaning, the scribes set themselves up to be in a continuing role of authority as other institutions loss their authority.

### *The Holiness Code*

If Nihan is correct, as seems likely, that “H is a remarkable case of creative exegesis of earlier biblical codes,” being both after the Priestly source and Deuteronomy, the question is who would have needed to “mediate between the major traditions received.”<sup>61</sup> For him, the answer is that a priestly group of editors who are attempting to arbitrate between the extremes, between the cult and Torah<sup>62</sup> and between the Jerusalem elite and the small farmers, were the authors of the Holiness Code. This view of the Holiness Code as a mediating compromise addresses the question of the “provincial outlook” and potentially explains why houses within walled cities are not subject to the same kind of protection as fields and houses outside the city walls. This would be a concrete example of the compromise between the “small landowners, whose existence as a social class was continuously endangered by the economic crisis” and the economic concerns of urban elites. Following this view, the group of priests behind the Holiness Code does not seem to be attempting to grab power for themselves, but to create a view of the community of the children of Israel that creates a new kind of pristine community.

A different reading, set forth by Mary Douglas<sup>63</sup> and further argued by Lester L. Grabbe,<sup>64</sup> contends that the whole of Leviticus, both the Priestly source and Holiness Code, is “profoundly theological writing with a deep spiritual message.”<sup>65</sup> As they also set the composition in the Persian period, being part of the Torah that Ezra brings with him as the Jews begin to return from exile, the conclusion is not so different from Nihan’s, as the Priestly authors are primarily working out of a place of

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<sup>61</sup> Nihan, *From Priestly Torah*, 547-48.

<sup>62</sup> Nihan, *From Priestly Torah*, 551. Cf. Stackert, *Rewriting the Torah*, 208, who also sees the Holiness Code as an effort to moderate between the Priestly sources and Deuteronomy, particularly evident in the treatment of the Levites.

<sup>63</sup> Mary Douglas, *Leviticus as Literature*.

<sup>64</sup> Lester L. Grabbe, “The Priests in Leviticus – Is the Medium the Message,” 207-224. Cf. Mary Douglas, *Leviticus as Literature*.

<sup>65</sup> Grabbe, “The Priests in Leviticus,” 224.

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concern for life in post-exilic Yehud but without privileging one group above another, and without an attempt to privilege any particular group, they may be said to be above any political agenda. If the Holiness Code is late and brought to Judah first with Ezra, then it is also possible that the justice of the Year of Jubilee is one that demonstrates disturbing privilege for the returnees over those who had remained in the land. By appealing to the sense of nostalgia for a better time, the authors of the Holiness Code may also be setting the groundwork for those returning from exile to claim land from those who had remained in the land. This problematic aspect of the justice of the Year of Jubilee, meant to pave the way for the returnees to be able to survive and thrive in the restored province of Yehud, would make invisible the suffering of those who remained behind while exalting the returnees as survivors who need protection and simultaneously hiding the reality that they are workers of injustice.<sup>66</sup> This does not negate the theological and ideological understanding put forth by the Holiness Code and the Year of Jubilee but, like the permission to own slaves from non-Israelites, means that the authors' agenda may not be as just as the theology they use to bring it about.

While a pre-exilic dating for the Holiness Code has been largely ruled out, it is helpful to look at whom Knohl and Milgrom hypothesized as being the earliest authors of Holiness corpus. They argue that the:

Temple priesthood itself was stung by the prophetic indictments of the Judean leadership, including the priesthood (e.g., Hos 4:6-9; Zeph 3:4), which heretofore had ignored the growing social and economic injustices that caused widespread landlessness (due to *latifundia*) and destitution. It is not hard to conceive the rise of a new generation of "Young Turks" within the Jerusalem priesthood who, like the prophet Isaiah, probably circulated among the people and became sensitized to their plight.<sup>67</sup>

This interpretation places the priestly writers of the Holiness Code, whether a set group in 8<sup>th</sup> century Jerusalem or a scribal school that worked over the course of centuries, on the side of the populace with a kind of popular theology. Milgrom argues that these priests still believed in the priestly control over rites and ritual in Israel, transforming agricultural nature festivals into set "public offerings at which they officiated."<sup>68</sup> In this view, the priestly authors of the Holiness Code, these so-called "young Turks," are responding to a legitimate accusation of priestly complicity in the social and economic injustice of 8<sup>th</sup> century Israel and Judah but are not willing to ultimately yield their power and authority in their efforts to move toward a more just law and society.

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<sup>66</sup> Esias Engelbertus Meyer, "The Jubilee in Leviticus 25: A Theological and Ethical Interpretation from a South African Perspective," 217f.

<sup>67</sup> Milgrom, *Leviticus*, 17-22, 1379, see also Israel Knohl *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, 222-24.

<sup>68</sup> Milgrom, *Leviticus*, 17-22, 1382. Milgrom's interpretation of the transformation of natural festivals into priest-controlled YHWH-cult festivals also provides a potential, but not ultimately convincing, answer to the issue of the Holiness School's understanding of the Sabbath as a thing apart from the "new moon."

With its concentration on holiness, a theological concept that the Holiness Code extends to all of the children of Israel, who are to be holy as YHWH is holy, and the heightened requirements for “the priest who is exalted above his fellows” (הַכֹּהֵן הַגָּדוֹל מֵאַחָיו) in Lev 21:10-15, there can be little doubt that the Holiness Code was composed by priests. Stackert is right to point out that while the Holiness School’s compromise regarding the role of the Levites grants them certain privileges, including assuring that the houses in the cities of the Levites retain the right of redemption after one year and are released in the Jubilee (Lev 25:32-33), it also installs them “as inferior sanctuary laborers.”<sup>69</sup> Here the Levites are acknowledged, unlike the rest of the priestly material, but they are unambiguously subordinated to the priests. Due to linguistic and ideological similarities with Ezekiel, the priests behind the Holiness Code are often understood to be the Zadokite priests.<sup>70</sup> As is quite thoroughly examined by Deborah W. Rooke, the priests are not depicted in either the Holiness Code or the Priestly source as having responsibilities beyond the cultic sphere.<sup>71</sup> In the festivals in Lev 23, the only role for priests is the raising of the sheaf during the Festival of First Fruits (Lev 23:10) and the raising of the offerings in the Festival of Weeks (Lev 23:20). The other sacrifices commanded as part of the festivals assume the role of the priests in making the sacrifice but the exact nature of their role is not stated, though the two lambs elevated with the bread “shall be holy to the Lord, for the priest” (Lev 23:20), setting them apart as having some special status before YHWH.

Even in Lev 25, there is no statement of the involvement of the priests in overseeing or proclaiming the Year of Jubilee. While the Priestly authors may have implied an assumed role with the sounding of the trumpet on the Day of Atonement, there is no mention of the priests at all. This is particularly striking if Num 35 is accurately understood to be a part of the Holiness redaction of the Pentateuch as it establishes that the death of the High Priest allows the unintentional manslayer to leave the city of refuge to return home. The difference between the two laws regarding an individual’s return to the land of their ancestors may be explained not by the role of the High Priest in political leadership, parallel to the ancient Near Eastern king and the regnal year of a new king,<sup>72</sup> but rather in

<sup>69</sup> Stackert, *Rewriting the Torah*, 208.

<sup>70</sup> For an exploration of the historicity of the Zadokite priesthood, see Alice Hunt, *Missing Priests: The Zadokites in Tradition and History*. Regarding the Zadokite material in Ezek 40-44, she says “Whether we place it in the late sixth century BCE or the Hasmonean period, we must conclude that at the time of writing there was some discussion of the duties and rights of priests and that the author of the material considered priests called ‘sons of Zadok’ as central to service of YHWH,” 142.

<sup>71</sup> Deborah W. Rooke, *Zadok’s Heirs: The Role and Development of the High Priesthood in Ancient Israel*, 11-39.

<sup>72</sup> Of course, it is not the death of the old king in the ancient Near East that triggers the *mīšarum* edicts, but rather the inauguration of the new king’s reign.

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the high priest's cultic role as "the representative of the people before the deity," such that his death functions as a kind of an expiatory sacrifice.<sup>73</sup> Even Num 35 does not put the priests or the high priest specifically in a position of political power or authority that could be compared to that of a king elsewhere.

The hidden nature of the priests might be in keeping with the ideology of priesthood as seen in Ezekiel, at least according to Rooke. She argues that Ezekiel's vision of restoration is that "the old pan-Israelite ideologies of temple, land, and monarchy are retained and given pride of place in the new society."<sup>74</sup> There is no need for Ezekiel or the Holiness Code to maneuver the priests into a place of political power. With the tent of meeting standing in for the temple in the Holiness Code and the concern with the holiness of the land, the Holiness Code seems to agree with Ezekiel's vision, with the exception of the monarchy. If the authors of Deuteronomy intended to subtly lift the written Torah and, therefore, the scribes who would best know it, above the authority of the priests, then perhaps the goals of the Zadokite priests were equally subtle, setting themselves as the ones to teach, to judge, and to guard the festivals and the Sabbaths:

They [the Levitical priests, the descendants of Zadok] shall teach my people to know the difference between the holy and the common. In a dispute, they shall act as judges, and they shall decide it according to my judgments. They shall keep my laws and my statutes regarding all my appointed festivals, and they shall keep my sabbaths holy. (Ezek 44:23-24)

Without stating the role of the priests in the Year of Jubilee, by connecting it to the Day of Atonement and the holy rhythm of Sabbath, the priests are the implied arbitrators of the clean-slate act. Though Lev 25 does not imply that the role of the priests in the clean-slate edict is similar to that of the Mesopotamian kings, they would indeed be assumed to have a role in the execution of the Year of Jubilee, perhaps similar to that of the regional officials addressed by Samsuiluna.

## Conclusion

Both Deuteronomy and the Holiness Code revise earlier legal traditions of Israel and Judah while innovating in the face of their current challenges. For Deuteronomy, this was the crisis brought about by Assyria in the 7<sup>th</sup> century B.C.E. after the fall of Israel. The Holiness Code imagines an ideal Israel from the perspective of those in exile, perhaps in expectation of or preparation for a post-exilic restoration. Both legal corpuses draw on an idealized understanding of Israel's history and place the giving of the laws in the fictive narrative setting of the time between the exodus event and entrance into the land: the

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<sup>73</sup> Stackert, *Rewriting the Torah*, 95. Cf. Rooke, *Zadok's Heirs*, 27.

<sup>74</sup> Rooke, *Zadok's Heirs*, 119.

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Holiness Code in the desert of Sinai and Deuteronomy at Horeb immediately prior to entering the land. Both depict Moses as the mediator between YHWH, the true lawgiver, and the congregation. This narrative setting allows the authors not only to draw upon the authority of Moses and the shared history of YHWH's act of salvation and giving of the land but to imagine an ideal nation founded on the worship of YHWH free of the socio-political burdens of the empires surrounding them.

Though Deuteronomy was written in the Neo-Assyrian period and the Holiness Code in the Neo-Babylonian, the ancient Near Eastern clean-slate traditions remained a part of the cultural conscious of ancient Mesopotamia well into the first millennium. Though evidence for these acts during these periods are scant, they were not forgotten, as was seen in Esarhaddon's use of these traditions in ch. 4. The relative lateness of the *Šemittah* Year and the Law of Slave Release in Deut 15 and the Year of Jubilee in Lev 25 means that these laws were written during periods when Judah had significant contact with the Mesopotamian empires and in which these traditions were still remembered, even if they were largely relics of the past. In this context, the writers of the biblical laws would be able to engage with and participate in the ancient Near Eastern clean-slate tradition.

## Chapter 6: The Year of Jubilee in Leviticus 25

### Introduction

The Year of Jubilee has persisted in the imagination and understanding of the modern world, even within secular contexts. Despite the prevailing view of Leviticus among many Christians as outdated or only a collection of esoteric laws that belong to a time long past, with some unfortunate exceptions, the Year of Jubilee persists, though often divorced from the laws of Lev 25. On a secular and global level, in the lead up to the year 2000 C.E. and the dawn of a new millennium, there were calls for a Jubilee for indebted nations, particularly in the global south.<sup>1</sup> The Holy Door or *Porta Sancta* at St. Peter's Basilica is unsealed every 25 years, rather than 50, to celebrate a Jubilee Year so that believers may pass through it and pass from sin to grace. Much like many versions of the Lord's Prayer recited in churches, debts have here been transformed into sins or transgressions. 50<sup>th</sup> anniversaries, whether of marriage or a business, are celebrated as Jubilee years, and in German the word for "anniversary" is *Jubiläum*. Though these continuations of the concept of Jubilee may little reflect the actual biblical Year of Jubilee, they are evidence that the idea that the 50<sup>th</sup> year as a significant milestone, a holy year, or a year of social justice persists.

The Year of Jubilee legislation comes at the end of the Holiness Code, with only the promise of reward and the threat of punishment following in Lev. 26. As such, it may be seen as the culmination of the ideas and themes of the Holiness Code. The call to holiness, the agency of the land and its relationship to YHWH, and YHWH's particular claim on the people of Israel are all vital elements of the Year of Jubilee. Lev 25 blends together aspects of the Holiness Code including festivals and rest; the nature of the people of Israel as a particular people, set apart among the nations; and the call to justice, connecting seemingly disparate laws together in much the same way that the repeated use of the phrase "I am YHWH the God of all of you" (אֲנִי יְהוָה אֱלֹהֵיכֶם) does. In this way, understanding the Year of Jubilee allows us to understand the theology and ideology of the Holiness Code better.

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<sup>1</sup> For one example of an attempt to address the ethics of the modern world by understanding the biblical Year of Jubilee, see Walter Houston, "What's Just About the Jubilee? Ideological and Ethical Reflections on Leviticus 35." *Studies in Christian Ethics* 14 (2001), 34-47.

## Textual Issues

### *Land as Subject of Sabbath*

The land being an active subject is a characteristic particular to the Holiness Code. This may be best known from Lev 18:25-28 in which the land is described as having vomited out the Canaanites before the coming of the children of Israel:

Thus, the land became defiled; and I called it to account for its iniquity, and the land vomited out its inhabitants. But you shall keep my statutes and my ordinances and commit none of these abominations, either the citizen or the alien who resides among you (for the inhabitants of the land, who were before you, committed all of these abominations, and the land became defiled); otherwise the land will vomit you out for defiling it, as it vomited out the nation that was before you.

In Lev 25, the land is active not only in providing produce (v. 19), but it observes and is the beneficiary of the Sabbath.

And YHWH spoke to Moses on Mount Sinai, saying, “Speak to the children of Israel and say to them, ‘When you all come into the land that I am giving to you all, **the land shall observe a Sabbath to the LORD**. Six years you shall sow your field, and six years you shall prune your vines and gather in the fruit of the land. And in the seventh year, **there will be a complete Sabbath for the land**, a Sabbath to YHWH. You shall not sow your field, and you shall not prune your vine. You shall not harvest the aftergrowth of your harvest, and you shall not gather the grapes of your unpruned vines; **it is a year of Sabbath for the land. And the Sabbath of the land** shall be food for all of you: for you, for your male slave, for your female slave, for your hired worker, and for your sojourner, the ones sojourning with you. And for your cattle and for the living creatures that are in your land, all of the fruit of the land will be for food (vv. 1-7).

The land as the subject of the verb שָׁבַת, “to rest,” is echoed in the curses of Lev 26, particularly vv.

34-35, and in the description of the fall of Jerusalem to Babylon in 2 Chr 36:21. Outside of these occurrences, the land does not appear as an active subject. According to Jacob Milgrom, the phrase שְׁבַת הָאָרֶץ, “Sabbath of the land,” serves to underscore the land’s agency in the Sabbath as it “emphasizes that the land is enjoined to observe the Sabbath (cf. 2b).”<sup>2</sup>

### *Meaning of יוֹבֵל and יִרְדּוֹר*

יִרְדּוֹר and יוֹבֵל are keywords for the laws of Lev 25, but neither of them is straight forward in their meaning. “Jubilee” has become so ubiquitous that it is easy to assume that the meaning is a given, though its meaning here is highly contested. Meanwhile יִרְדּוֹר is most likely a loan-word from *andurārum* (Sum: *ama.ar.gi*)<sup>3</sup> connecting Lev 25 to the clean-slate acts of ancient Mesopotamia.

<sup>2</sup> Jacob Milgrom, *Leviticus 23-27*, 2159.

<sup>3</sup> See Chapter 3, (45-46), for a discussion of *ama.ar.gi*.



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Some form of יובל occurs 12 times in Lev 25, and as such an argument could be made that regardless of the origin of the word, it is the context of the chapter itself that defines it. Whatever יובל meant, in Lev 25, it refers to this year of release both here and in Lev 27:17-24 and Num 36:4. However, as it does play a key role, its origin cannot be dismissed entirely. BDB suggests, “ram’s horn” (cf. Josh 6) as the etymology, indicating that the Year of Jubilee is called after the trumpet call that inaugurates the year.<sup>4</sup> The fact that the word used in v. 9 is שופר not יובל does not necessarily disprove this possibility, as the two terms could be used in parallel.<sup>5</sup> יובל could also be the nominal form of the verb, יבל, “to conduct, bear along, lead along,” which could be a reference to the idea of returning which is the core element of the idea of יובל in Lev. 25.<sup>6</sup> There is nothing inherent in the idea of being “lead along” which implies being “lead back,” though the connection may be more to YHWH leading the children of Israel out of Egypt, a theme that repeatedly appears as a motive clause in Lev 25. A further proposal suggested but then rejected by Robert North and later supported by Calum Carmichael is the idea that the connection is to the verb יבל but not in the sense of leading out those who are returning but in an agricultural sense. “In other words, the notion of abundant growth from the land with the emphasis on its being a divine gift is what יובל does indeed highlight.”<sup>7</sup>

If יובל is not meant as a parallel to shofar but to ירור, then the argument for the nominal form of יבל is strengthened. ירור is often cited as the Hebrew cognate of *andurārum*, and the few usages in the Hebrew Bible support such an argument (cf. Isa 61:1; Jer. 34: 8, 15, 17; and Ezek 46:17). Jer 34 is the story of Zedekiah’s failed slave release and the “release” of Zedekiah and his court “to the sword, to pestilence, and to famine,” (Jer 34:17). The semantic field of ירור makes a connection to fluidity or being free-flowing, which can be seen in the exception to this rule in Exod 30:23, מִרְיָרֹר,

<sup>4</sup> BDB, 2750.

<sup>5</sup> Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, 313-16, suggests that the two terms are used in parallel of one another, as is seen in Ex. 19. He further argues that it is most likely that יובל is an older word and שופר is “included in certain contexts in order to explain the meaning of the term יובל” (316).

<sup>6</sup> Moshe Weinfeld, “Sabbatical Year and Jubilee in the Pentateuchal Laws and their ancient Near Eastern Background,” in *The Law: in the Bible and in its Environment* 45.

<sup>7</sup> Calum Carmichael, “The Sabbatical/Jubilee Cycle and the Seven-Year Famine in Egypt,” 232, fn. 24. Cf. Robert North, *The Biblical Jubilee...After fifty Years*, 14. Additionally, N. P. Lemche, “The Manumission of Slaves – The Fallow Year – The Sabbatical Year – The Jubel Year,” 50, fn. 36 supports this understanding of יובל by comparing it with the Akkadian *biltu*.

“free-flowing myrrh” often translated as “liquid myrrh.” Weinfeld describes the sense of יָרַר as “to move about freely.”<sup>8</sup> This would not just support יָבַל due to movement but also because of the closeness of יָבַל to יָבַל and יוֹבַל, both terms for streams.

Regardless of the origin of יוֹבַל, the meaning of the usages of these terms in Lev 25 is clear. The year of Jubilee (יוֹבֵל) is to be a year of release (יָרַר) for the children of Israel. As with the *andurārum* of ancient Mesopotamia, people are to return to their ancestral lands. Whether יוֹבַל originally referred to the ram’s horn that inaugurated the year or being led forth, due to Lev 25, it has taken on a lasting meaning separate from either of these possible roots.

### *Debates*

There are several debates that are the focus of much of the scholarship on Lev 25. While the point of this project is not to solve these questions, it is essential to address them at least briefly. Those debates which most affect our discussion and will be explored here are the interpretation of the *niphal* of מָכַר, the question of redeemed land in the Jubilee, and whether the Year of Jubilee is the 49<sup>th</sup> or 50<sup>th</sup> year.

#### *i. Niphal of “to sell” passive or reflexive*

The *niphal* of the verb מָכַר, “to sell,” is used seven times in Lev 25 (of land in vv. 23 and 34 and of people in vv. 39, 42, 47, 48, and 50), but how it is translated is often inconsistent. In vv. 39 and 47-50, most translations and many commentators treat the *niphal* as reflexive, “to sell oneself.” On the other hand, JPS treats the incidence in v. 48 as passive. It should also be noted that those translations and commenters who insist on a reflexive voice in these verses use the passive in Deut 15:12, further contributing to the inconsistency of interpretation.

The argument for the use of the reflexive in these verses is not made on a linguistic basis. While the *niphal* allows for both passive and reflexive usages, the *hitpael* form is also attested, though not in Lev 25, meaning that the author of the Holiness Code could have chosen to use it and remove any

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<sup>8</sup> Weinfeld “Sabbatical Year and Jubilee,” 46.

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ambiguity regarding the specifics.<sup>9</sup> Instead, the argument is based on an interpretation of who exactly is being sold in vv. 39 and 47 and, building on that, who it is that has the authority to sell them.

And if your kinsperson falls into poverty with you and is sold to you (וַנִּמְכַּרְךָ לָדֹ), you shall not work them the work of a slave. As a hired worker, as a sojourner, they shall be with you; until the year of Jubilee, they shall work with you. Then they shall go out from with you, they and their children with them, and they shall return to their clan, and they shall return to the possession of their ancestors. (vv. 39-41)

Based on the requirement of v. 47 that the sold kinsperson along with their children is to go out and return to their possession in the Year of Jubilee, many argue that it can only be the *pater familias* that is sold here and in v. 47. They then argue that while a *pater familias* may sell his dependents, the only one who can sell the *pater familias*, is the *pater familias* themselves.<sup>10</sup> This, of course, ignores the possibility of foreclosure in which case the *pater familias* would have no choice in the matter. Further, due to the potential length of the sold kinsperson's tenure as a "sojourner," it is entirely possible that by the time of the Jubilee, they will have had children, whether they were sold as a dependent or as the *pater familias*.

The possibility that v. 39 does not exclusively refer to the *pater familias* is supported by the following prohibition of owning any of the children of Israel (vv. 42-43) and the permission to own slaves of other nations (vv. 44-46) follows. This unambiguously shows that it is not just the *pater familias* that must be treated as a hired worker or sojourner rather than a slave and must be released in the Year of Jubilee but instead that this applies to all from among the children of Israel. This means that, while the *pater familias* may sell themselves, the same laws and limitations apply to sold dependents. The reflexive is not excluded, but the broader passive allows for self-sale as well as having been foreclosed upon or sold by another, as in the prohibition of vv. 42-43:

For they are my slaves, whom I brought out from the land of Egypt; they shall not be sold (וְיִמְכְּרוּ) as slaves. You shall not rule over him harshly, and you shall fear your God.

The difference between the interpretation of the *niphal* in Lev 25 and Deut 15:12 often comes down to a form of harmonization between the two texts. In order to present the case that the Year of Jubilee in the Holiness Code and the Law of Slave Release in Deuteronomy are not in contradiction with

<sup>9</sup> It should be noted that in Lev 25:49, the *niphal* of גָּאַל, "to redeem," is used with a reflexive meaning, despite the fact that most of the usages in Lev 25 are passive. The text of v. 49 provides the reason for this divergent understanding of the *niphal*.

After they have been sold, redemption shall be allowed for them; one of their kin shall redeem them.

Whether their uncle or their uncle's son may redeem them, or one of their near kin or from their clan shall redeem them, or if they prosper, they shall redeem themselves. (vv. 48-49)

The context of the sold Israelite prospering leaves no question that, in that situation, they are the ones redeeming themselves, and the *niphal* is, based on context, reflexive.

<sup>10</sup> See, for example, Chirichigno, *Debt-Slavery*, 330-332.

one another, some scholars argue that Deut 15:12 refers to the sale of dependents by the *pater familias* and Lev 25 refers only to the self-sale of the *pater familias*.<sup>11</sup> Neither text independently requires these interpretations.

A consistent interpretation of the verb when referring to a sold person is preferable, and the text supports the broader reading of the passive over the reflexive. The use of the reflexive *niphal* in vv. 39 and 47 (and 50) would limit these laws and the protections they contain to the *pater familias*, to one who has sold themselves. This limitation stands in stark contrast to the prohibition against owning any of the children of Israel as slaves in v. 42. A passive understanding of the verb in these verses would include the self-sale by applying to any sold kinsperson, regardless of how or by whom they were sold. As shall be seen, this inclusive passive translation fits best within the theology of Lev. 25.

#### *ii. Land Redeemed by a Kinsperson*

When an Israelite is forced to sell property or a dependent in order to pay off debts, the text explicitly provides for the possibility of redemption and describes the method for assessing what the redemption price is: the amount that represents the number of years until the Jubilee, reinforcing the idea that it is not the land but the usufruct of the land that is sold. The text allows for both redemption by a family member and redemption by the individual who made the original sale. This leaves open the question: if the land is redeemed by a near kinsperson, does the redeeming family member immediately return the redeemed land to the person who sold it? Or does it only return in the Year of Jubilee?

If your kinsperson falls into poverty and sells some of their possession, then their redeemer, the one who is near to them, shall come and they shall redeem what their brother sold. And a person, if there is to redeem it for them, but they prosper, and they find enough for its redemption, then they shall count the years from its sale, and they shall pay back the remainder to the one to whom it was sold, and it will return to their possession. But if their hand does not find enough to repay them, then what was sold shall remain with the one who bought it until the Year of Jubilee, and in the Jubilee it shall go out, and they shall return to their possession. (vv. 25-28)

In fact, when contrasted to the rules for a house in a Levitical city, the reader may question if the redeemed land reverts to the original owner even at the Jubilee. If all of Jubilee regulations are governed by v. 13, “In this year of Jubilee, you all shall return, each to his possession,” as seems most likely, then there can be no question as to whether the land ultimately returns to the original owner, or their offspring, in the Jubilee if not before.

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<sup>11</sup> Adrian Schenker, “The Biblical Legislation on the Release of Slaves: The Road from Exodus to Leviticus,” 23-41. Counter this, Bernard M. Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,” argues that the reflexive should also be used in Deut 15:12, saying that Deuteronomy “reworks the CC law to emphasize the dignity and agency of the slave,” 304.

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The fact that the law requires the near family member to redeem the land may hold a clue. As suggested by Chirichigno, it would be both unjust and an obstacle that would prevent most people, particularly other subsistence farmers, from being willing to serve as a redeemer if the act of redemption were a financial loss with no opportunity to recover it. Only a genuinely wealthy kinsperson could afford such largesse without exposing themselves and their family to the danger and vulnerability of becoming impoverished and entering this cycle themselves.<sup>12</sup> The law would be self-defeating if the redeemer then had to sell their property in order to meet their own subsistence needs. Further evidence may be found in the story of Jeremiah redeeming the land of his kinsmen, Hanamel in Jer 32. The idea of Jubilee is not present in this passage, but it is clear that Jeremiah buys the land for his own use and possession as YHWH commands Baruch to preserve the deed for a “long time” (Jer 34:14). While this story is different in many of its cultural assumptions regarding the purchase of land, this does indicate that there was no assumption that the act of redemption resulted in the sold land immediately reverting to the original owner. In fact, it seems that Jeremiah was never meant to return the property.

Finally, vv. 35-38 may provide the answer to the question:

And if your kinsperson falls into poverty and their hand wavers with you, you shall strengthen them; as a resident alien they shall live with you. You shall not take interest or extra fees from them, but fear your God, and your kinsperson shall live with you. You shall not give them your silver at interest, and you shall not give your food for a profit. I am YHWH the God of all of you; I brought all of you out of the land of Egypt to give all of you the land of Canaan and to be the God of all of you.

The situation envisioned by v. 35 is best explained that a person, having sold off all their land is now a tenant farmer on their own land. Even if it has been redeemed by a family member, it is not under the control of the original owner; otherwise, they would be able to be independent and to work the land that was restored to him by the redeemer. Instead, it seems most likely that the redeemer maintains control of the land that they have redeemed and that, by the point in the cycle of dependency, the impoverished kinsperson is working the land as a tenant farmer for either the original creditor or the redeemer. While the redemption of land does not serve as a mechanism to prevent a further slide into impoverishment, it does keep the land within the larger family group. The laws regarding the treatment of the dependent kinsperson prohibit practices that could lead to the individual having to sell themselves, or their dependents, into slavery.<sup>13</sup>

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<sup>12</sup> Chirichigno, *Debt-Slavery*, 325.

<sup>13</sup> Obviously, despite this being the ideal, the text recognizes that this is not guaranteed and provides protections for Israelites who are sold into slavery.

### iii. The 49<sup>th</sup> or 50<sup>th</sup> Year

Perhaps the most debated question regarding Lev 25 and the Year of Jubilee is whether the Jubilee is the 49<sup>th</sup> or the 50<sup>th</sup> year. What is most significant for the theological understanding of the Year of Jubilee is that it occurs on a regular set cycle. For that reason, the issue will only be dealt with briefly here with no attempt to solve this question. The versus introducing the Year of Jubilee create the question by framing the Year of Jubilee as beginning in the 49<sup>th</sup> year while calling the 50<sup>th</sup> year the Year the Jubilee:

And you shall count for yourself seven Sabbaths of years, seven years times seven so that the time of seven Sabbaths of years shall be for you **forty-nine years**. And you shall blast a sound on the trumpet, **in the seventh month, on the tenth day of the month, the Day of Atonement**, you all shall sound the trumpet in all of your land. **And you all shall consecrate the fiftieth year**, and you all shall proclaim liberty in all the land to all who dwell in it. It shall be a Jubilee for you all, and you all shall return each to their possession, and you all shall return each to their clan. A Jubilee shall the fiftieth year be for all of you; you all shall not sow, and you all shall not harvest the land's after growth, and you all shall not gather of its unpruned vines. For it is a Jubilee; it shall be holy for all of you. From the field you all may eat, from the land's produce. In this Year of Jubilee, you all shall return, each to their possession. (vv. 8-13)

Various arguments have been put forth to try to smooth out this apparent contradiction, including an intercalated year beginning on the Day of Atonement or the use of the round number 50 as an approximate representation of 49.<sup>14</sup> Whether the Year of Jubilee is identical with the seventh Sabbatical year (the 49<sup>th</sup> year), the text does leave no question that regarding agricultural activity, the Jubilee functions as a Sabbath.<sup>15</sup>

Within the Jubilee regulations that immediately follow, vv. 20-22 return to the question of the Sabbath and the assurance of provision.<sup>16</sup> This may be the hand of a redactor<sup>17</sup> or an indication that the foundational commands about the Year of Jubilee are framed within the context of the Sabbath/seventh year or perhaps both.<sup>18</sup> It could also serve as evidence that the Year of Jubilee is the seventh Sabbatical or 49<sup>th</sup> year, such that there is no reason to explain how enough food will be provided for two subsequent years with no agricultural labor. From a practical perspective, we could question how an

<sup>14</sup> Lee W. Casperson, "Sabbatical, Jubilee, and the Temple of Solomon," 283-96, does not solve the question, but he does try to reconstruct what years may have been Jubilee Years based on significant events, particularly surrounding the temple.

<sup>15</sup> Schenker, "The Biblical Legislation," 25. Milgrom, *Leviticus: 22-27*, 2152, observes that "the jubilee is not a sabbatical, and indeed, the term *šabbāt* is assiduously avoided in the entire jubilee periscope."

<sup>16</sup> The structure of vv. 2b-22 will be discussed more below.

<sup>17</sup> On these two sections and the question of redaction, see the issue of pronoun switching below.

<sup>18</sup> Christophe Nihan, *From Priestly Torah: A Study in the Composition of the Book of Leviticus*, 520; 526. While Nihan does set this in the context of the issue of the 49<sup>th</sup> versus 50<sup>th</sup> year interpretation, he argues that this *inclusio* is intentional and moves the focus of this particular Sabbatical year from "the rest of the land" to "the remission of all debts and the liberation from slavery" (526).

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individual newly restored to their family land could survive without immediately reentering the debt-cycle if he is prohibited from productive work in the first year.

There is a precedent for the argument that the year after the seventh Sabbatical year is intended. In Lev 23:15-22, the regulations for the Festival of Weeks, 50 is not an approximate number representing the seventh Sabbath or 49, but is the fiftieth day:

Beginning with the day after the Sabbath, the day on which you bring the sheaf of the elevation offering, you shall count off seven weeks; they shall be complete. You shall count until the **day after** the seventh Sabbath, **fifty days**; then you shall present a new grain offering to YHWH (Lev 23:15-16).

The parallel is not perfect, as an additional day of rest is not the same as an additional year of cessation, but there is room for the argument that in the Holiness Code, 50 means 50 not an approximation for 49. While this still raises complicated questions of practicality, this is potentially strong evidence that the Year of Jubilee is meant to be the 50<sup>th</sup> year, not the 49<sup>th</sup>. As for the question of two consecutive years of rest, the promise is of YHWH's divine intervention to produce blessing, so there should be little reason to question whether YHWH could provide for two years or whether YHWH could provide for the newly restored. While this question would have been crucial if the Year of Jubilee was intended to be enacted, which year is meant is not crucial for understanding the theology of the Year of Jubilee.

## Questions of Redaction

While the question of redactional layers is not central to this study, we cannot ignore the issue in connection with the Year of Jubilee. Throughout the text of Lev 25, the 2<sup>nd</sup> person pronoun switches between the singular and the plural, leading many scholars to try to develop a redactional scheme around this. Others argue that the clarification regarding the sale of houses in wall cities (vv. 29-31) and the further clarification on those houses in Levitical cities (vv. 32-34) reflect an editor's hand; even Milgrom argued that this was proof that, from time to time, the Year of Jubilee needed updating to keep it applicable.

### *Pronoun Switching*

Though the pronoun switching throughout the chapter is often taken to indicate a redactor,<sup>19</sup> trying to discern layers based on the switching leads to confusing conclusions. In v. 46, the pronoun switches in the middle of a clause: "But the kinspersons of you all (וּבְאֵחֵיכֶם), the children of Israel,

<sup>19</sup> Karl Elliger, *Leviticus: Handbuch zum Alten Testament* 335f; Alfred Cholewiński, *Heiligkeitgesetz und Deuteronomium. Eine vergleichende Studie*, 101f; North, *The Biblical Jubilee...After Fifty Years*, 85f.

each their kin, you (sg. לְאַתְּ־יְרֵדָה) shall not rule over harshly.” This could be explained by the hand of a redactor, echoing the end of v. 43 at the end of either an excursus or an insertion allowing non-Israelites to be slaves. This is not the only possible explanation for the switch within the sentence itself. Indeed, it forms a coda with v. 43, emphasizing that the children of Israel cannot be ruled over harshly, but there is no reason to assume that the original author could not have also employed this literary feature. Further, the phrase “each their brother” or “one over another” (JPS) already represents a switch from the collective to the individual within the collective. It is as if the text is saying, “You, you specifically, shall not rule over your kinspersons harshly.”

Some of the pronoun switches do make sense within the structure of Lev 25. The first part of the Sabbath command in vv. 2-7 uses the singular exclusively; while the second part, focusing on the assurance of provision for obedience, vv. 18-22, uses the plural. The introduction to each phase of impoverishment uses the formula “and if your kinsperson becomes impoverished,” with the singular pronoun and the singular is used throughout the sections with particular exceptions: 1) the ownership of non-Israelite slaves in vv. 44b-46, though 44a uses the singular, and 2) the clause “I am YHWH your God” (v. 38) that consistently occurs in the plural (cf. vv. 17 and 55). In the case of the ownership of non-Israelite slaves, if it is an insertion, then the questions of why it begins with the singular remains and what precisely the original was.

Of course, it is possible that this pronoun switching does indicate a redactional hand that had no intention to disguise itself. However, the case is not airtight, and the switching does not hinder a cohesive reading of the chapter. Some of the differences may represent formulas: “I am YHWH your (pl) God;” “fear your (sg) God.” Others may represent the difference between the level of the collective and the level of the individual, the “you, you specifically.” It may well be that the Year of Jubilee legislation, as well as the assurance of provision, were added onto the Sabbath Year of vv. 1-8 with its use of the singular, but any attempt to discern layers beyond that quickly becomes muddled and is not necessary for understanding the text.

### *Cities*

In the middle of the regulations concerning the sale of land comes an exception regarding houses. The issue, it seems, is not so much whether a house is considered property, but whether the laws of redemption or the Year of Jubilee applies to urban holdings since the exception only applies to houses within עִיר חֹמָה, “walled cities.”:



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And if a person sells a dwelling house in a walled city, then it may only be redeemed within a year of its sale, the possibility of its redemption is limited to this time. And if it is not redeemed by the time a full year has passed, then the house that is in the walled city shall belong permanently to the buyer and their descendants. It shall not go out in the Jubilee. But houses in settlements without a wall around them shall be thought of as a field of the land; they may be redeemed, and in the Jubilee, they shall go out. (vv. 29-31)

Within the Holiness Code, עִיר is only used in Lev 25 and 26, demonstrating a “provincial outlook”<sup>20</sup> as can be seen here. For Milgrom, this is an amendment to the original legislation that serves as evidence that the Jubilee law was not utopian but actually practiced, because “had the jubilee been a utopian state, there would be no need to alter or add to it.”<sup>21</sup> Within the final form of the text, the treatment of walled cities as something different fits in with a provincial focus throughout the Holiness Code and, in its current position, is less of an abrupt change of topic and more an appropriate note of clarification.<sup>22</sup> Furthermore, this does not need to represent a redaction due to changing circumstances unless one dates Lev 25 to an agricultural period prior to the rise of cities. While the Holiness Code wants to ignore the reality of cities, the Year of Jubilee legislation demonstrates that they cannot be summarily dismissed. For this reason, the Holiness Code must treat them as exceptions to maintain an agricultural focus and the economic differences between urban and rural life<sup>23</sup> or to maintain a focus on the patrimonial land as assigned by YHWH upon entering the land.<sup>24</sup>

This focus on the purity of the original distribution of the land explains the exception to the exception in vv. 32-34. The houses within Levitical cities, whether they are surrounded by walls or not, are to be treated as houses within settlements specifically because these cities are the portion granted to the Levites upon the entering the land.

However, in the cities of the Levites, for the houses in the cities of their possession, redemption shall be allowed for the Levites without time constraint. And whoever of the Levites redeems it, the sale of a house in a city of their possession, goes out in the Jubilee, for the houses in the cities of the Levites are their possession in the midst of the children of Israel. But a field of the common land of their cities shall not be sold, for it is their permanent possession.

<sup>20</sup> Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26*, 156.

<sup>21</sup> Milgrom, *Leviticus 23-27*, 2247. Cf. Weinfeld who also argues that this addendum “is a necessary consequence of social development.” Casperson, “Sabbatical, Jubilee, and the Temple of Solomon,” 286-87 agrees with Milgrom, stating that “there may be no fundamental reason why the activities associated with the jubilee could not actually have occurred” with revisions made throughout monarchic and exilic periods.

<sup>22</sup> John Sietze Bergsma, *The Jubilee from Leviticus to Qumran: A History of Interpretation*, Supplements to VT, 115 (Leiden: Brill, 2007), 97.

<sup>23</sup> Joosten, *People and Land*, 156.

<sup>24</sup> Chirichigno, *Debt-Slavery*, 325; cf. Walter J. Houston, *Contending for Justice: Ideologies and Theologies of Social Justice in the Old Testament*, 199.

Verse 34 returns to the issue of land. The houses in the Levitical cities, at least those owned by Levites, can be sold temporarily. The land, on the other hand, does not belong to any individual Levite or family but is held in common by the residents of the city and, thus, cannot be sold even temporarily.

It remains possible that this kind of detailed clarification, drawing a strict differentiation between walled cities and settlements without walls and making an exception for Levitical cities, could be the result of redactions, layers of corrections. This argument is supported by the use of עִיר (“city”) found only here and in Lev 26. The use of cities here strengthens the Holiness School’s provincial outlook and focus on the retrospective ideation of the time when Israel first entered the land, establishing that the walled cities are a deviation from YHWH’s original gifting of the land, except for the cities of Levites. It forces the reader out of the Holiness School’s fictional narrative setting of YHWH’s instructions to the children of Israel through Moses before entering the land, but at the same time, it also maintains a rural, agricultural ideal without ignoring the reality.

## Structure

There are reasons to suspect that Lev. 25 consists of multiple layers, including pronoun switching and addendums such as vv. 29-34 discussed above. However, Milgrom is right in his observation that “the chapter, as is, flows logically and coherently. Even if the redactor had different sources before him, he welded them together in such an artistic and cogent sequence that it suffices to determine what he had in mind.”<sup>25</sup> For this reason, the focus here is on the final form of Lev 25.

At 55 verses, with different stages of impoverishment and debt alongside the addendums, proposed structures for Lev 25 tend to be rather long and complex.<sup>26</sup> The Year of Jubilee legislation is complicated, and any outline of its structure must reflect this. Even with this complexity, the structure of Lev 25 contributes to an understanding of its theology in two significant ways: 1) by connecting the Year of Jubilee to the Sabbath and 2) in the nature of the remedies for each step of impoverishment and the debt-cycle. Those sections that may represent redactional layers, abrupt though they may seem, support these emphases. For that reason, it is those two aspects that we will focus on here.

<sup>25</sup> Milgrom, *Leviticus* 22-27, 2150; cf also Christophe Nihan, *From Priestly Torah*, 522. Counter Milgrom see for example: Karl Elliger, *Leviticus*, N.P. Lemche, “The Manumission of Slaves,” 38-59; North, *The Biblical Jubilee*, 85ff.

<sup>26</sup> cf. Milgrom, *Leviticus* 22-27, 2148-49; Houston, *Contending for Justice*, 193; and, for vv. 25-55, Mignon R. Jacobs, “Parameters of Justice: Ideological Challenges Regarding Persons and Practices in Leviticus 25:25-55,” 133-53.

*Sabbath and Jubilee*

At first glance, the chapter can easily be divided into the Sabbath of the Land and the Year of Jubilee, but a closer look quickly reveals there is not a clean partition between the two. There is no clean transition from the Sabbath of the Land to the Year of Jubilee, with each subject staying neatly on its side of the transitional verses. Though **שַׁבָּת** does not occur in Lev 25 after v. 8, the focus returns to the seventh year (**שָׁנָה הַשְּׁבִיעִית**) in vv. 20-22. Here the question of food for the community during the 7<sup>th</sup> year is brought up, an idea that might be thought to fit better after v. 7, along with the preceding promise of blessing for obedience. Perhaps it would be more accurate to say that the introduction to the Year of Jubilee in vv. 8-17 interrupts the Sabbath of the Land. Though not tidy, it is perhaps more artful than an awkward interruption, so that it is integrated into the Sabbath of the Land. A simplified outline of vv. 2b-17 would be:

2b-7: Sabbath of the Land

8-17: Introduction to the Year of Jubilee

18-22: Assurance of Provision in the 7<sup>th</sup> (Sabbath) Year.

In v. 8, the 7-year cycle of the Sabbath provides the method for calculating the Year of Jubilee. That calendrical connection would be enough to justify the legislation of the Year of Jubilee following that of the Sabbath, at least if that were the only connection between the two that the author intended. By framing the introduction within the Sabbath, the Year of Jubilee, and all that follows cannot be separated from the Sabbath of the Land.

While the majority of the legislation on the Year of Jubilee deals with the idea of returning, of property returning to the original owner and persons returning to liberty and to their familial homes, the Year of Jubilee is also described as a year of rest, similar to the Sabbath of the Land. In fact, vv. 11-12 echo the language of vv. 4-7:

<i>Prohibition against agricultural work:</i>	
vv. 4-5	v. 11
<p>וּבְשָׁנָה הַשְּׁבִיעִית שַׁבָּת שַׁבָּתוֹן יִהְיֶה לָאָרֶץ</p> <p>שַׁבָּת לִיהוֹה שְׂדֶה לֹא תִזְרַע וְכַרְמָהּ לֹא</p> <p>תִּזְמַר:</p> <p>אֵת סְפִיחַ קִצְרֶהּ לֹא תִקְצֹר וְאֶת־עֲנָבֶיהָ</p>	<p>יֹכֵל הוּא שְׁנַת הַחֲמִשִּׁים שָׁנָה תִּהְיֶה לָכֶם לֹא</p> <p>תִּזְרְעוּ וְלֹא תִקְצְרוּ אֶת־סְפִיחֶיהָ וְלֹא תִבְצְרוּ</p> <p>אֶת־נִזְרֶיהָ:</p>

<p>וְיִירָדָה לֹא תִבְצֹר שָׁנָה שְׁבִתוֹן יִהְיֶה לְאֶרֶץ:</p>	
<p>And in the seventh year, there will be a complete Sabbath for the land, a Sabbath to YHWH. <u>You shall not sow your field</u>, and you shall not prune your vine. <u>You shall not harvest the aftergrowth of your harvest</u>, and <u>you shall not gather the grapes of your unpruned vines</u>; it is a year of Sabbath for the land.</p>	<p>A Jubilee shall the fiftieth year be for all of you; <u>you all shall not sow</u>, and <u>you all shall not harvest the land's after growth</u>, and <u>you all shall not gather of its unpruned vines</u>.</p>
<p><i>Assurance of Provision:</i></p>	
<p>vv. 6-7</p>	<p>v. 12</p>
<p>וְהָיְתָה שְׁבֵת הָאָרֶץ לָכֶם לְאֹכְלָהּ לָךְ וְלַעֲבָדְךָ וְלַאֲמָתְךָ וְלַשְׁכִּירְךָ וְלַתּוֹשָׁבֶיךָ הַנִּגְרִים עִמָּךְ: וְלִבְהֶמְתְּךָ וְלַחַיָּה אֲשֶׁר בְּאֶרֶצְךָ תִּהְיֶה כָּל- תְּבוּאָתָהּ לְאָכֹל:</p>	<p>כִּי יוֹבֵל הוּא קֹדֶשׁ תִּהְיֶה לָכֶם מִן-הַשָּׂדֶה תֹּאכְלוּ אֶת-תְּבוּאָתָהּ:</p>
<p>And the Sabbath of the land shall be food for all of you: for you, for your male slave, for your female slave, for your hired worker, and for your sojourner, the ones sojourning with you. And for your cattle and for the living creatures that are in your land, <u>all of the land's produce will be for food</u>.</p>	<p>For it is a Jubilee; it shall be holy for all of you. From the field, <u>you all may eat, from the land's produce</u>.</p>

Other than being an abbreviated version, the most significant difference in the cessation of work in the Year of Jubilee is that it is described as being “for all of you,” that is the children of Israel, rather than for the land. This sets the Year of Jubilee apart from the Sabbath Year, yet the language, in addition to its location in the text, makes it clear that the Jubilee is related to Sabbath by more than a means of calculation. This relationship to the Sabbath Year means that the promise of blessing in return for obedience in vv. 18-22 also applies to the Year of Jubilee. Whether the 7th Sabbath Year, the 49<sup>th</sup> in the Jubilee cycle, or the 50<sup>th</sup>, vv. 20-22 describe in detail how the food from the 6<sup>th</sup> year will provide

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provision until the 9<sup>th</sup> year, in which they will have the crops from the 8<sup>th</sup> year's harvest and a "regular" pattern is restored. If the Year of Jubilee is a second consecutive year of rest, the structure of these verses allows for the implication that the land will provide for an extra year, despite the numerical exactitude in the text. After all, the primary point of these verses is that the provision through the Sabbath Year is divine, a supernatural blessing from YHWH.

Through the integration with the law of the Sabbath of the Land, the Sabbath Year being the method for calculating the Year of Jubilee, and the mirroring rest from agricultural labor, the economic aspect of the Year of Jubilee belongs to the same holy rhythm of time as the Sabbath. The promise of blessing in vv. 18-22 is not just in return for obedience in observing the Land's Sabbath but also the law of the Year of Jubilee, which even in this introduction, integrated as it is in the Sabbath law, remains focused on the economic element. Once the date for the Year of Jubilee has been established, the Year of Jubilee is defined in v. 10: "And you all shall consecrate the fiftieth year, and you all shall proclaim liberty in all the land to all who dwell in it. It shall be a Jubilee for you all, and you all shall return each to his possession, and you all shall return each to his clan." After the command that it be a rest from agricultural work in vv. 11-12, vv. 13-17 provides the basic summary of the economic law of the Year of Jubilee. The economic aspect of the Year of Jubilee forms a framing structure in which the Year of Jubilee's agricultural parallel to the Sabbath nests:

10: Return to own possession, v. 10

11: Prohibition against agricultural work, v. 11

12: Assurance of provision, v. 12

13-17 Return to own possession and selling and buying, v. 13

This structure serves to set the Sabbath Year both as the frame of the Year of Jubilee and the center, not just to emphasize the idea of rest in relation to the Sabbath, but to further emphasize the integration of the clean-slate law of the Year of Jubilee into the broader concept of the Sabbath.

2b-7: Sabbath of the Land

8-17: Introduction to the Year of Jubilee:

10: Return to own possession, v. 10

11: Prohibition against agricultural work, v. 11

12: Assurance of provision, v. 12

13-17 Return to own possession and selling and buying, v. 13

18-22: Assurance of Provision.

The holy rhythm is not just one of rest but one of economic justice and restoration.

### *The Debt-Spiral and Clean-Slate Remedies*

#### *i. The Three Stages*

Having established that the Year of Jubilee is a part of the holy rhythm of time and a prerequisite for YHWH's blessing Israel through the produce of the land, Lev 25 fleshes out what exactly it means for everyone to return to their own land and their own clan (v. 10). An examination of the second half of Lev 25 is striking both for the level of detail present and for those aspects which seem to be missing. One element in the debt-spiral that appears to be missing is the question of sold dependents.<sup>27</sup> Likewise, there is no statement on the forgiveness of those debts which have not been foreclosed upon and have not yet resulted in the sale of land or persons.<sup>28</sup> Yet the level of detail in the final form, including the questions of houses and cities, the permission to own slaves as long as they are not of the children of Israel, and the heightened protection of those who have entered into servitude with non-Israelites, contributes to an understanding of the theology behind the Year of Jubilee.

The first of the conditional phrases **כִּי־יָמוּךְ אָחִיךָ**, "if your kinsperson falls into poverty," in v. 25 is often seen as the starting point for the 2<sup>nd</sup> half of Lev 25 and the regulations regarding the Year of Jubilee. Indeed, this phrase and its variations are central for understanding the progression of impoverishment and indebtedness portrayed in Lev 25. However vv. 23-24 are something as close to a clean transitional passage between the halves of Lev 25 as there is, serving as both a conclusion to what precedes and an introduction to what follows, or as Jacobs calls it a "differentiating element."<sup>29</sup> This can be seen by the continuing focus on the land and particularly the relationship between the land and YHWH in v. 23 as well as the introduction of the concept of redemption, **גְּאֻלָּה**, in v. 24.

Nihan correctly argues that these verses and v. 55 form a frame around the phases of debt and their solutions:<sup>30</sup>

But the land must not be sold permanently; for the land is mine (כִּי־לִי הָאָרֶץ), and all of you are resident aliens with me. And in the whole land of your possession, you all shall allow for the redemption of the land. (vv. 23-24)

and

<sup>27</sup> See above on the question of whether the *niphal* of **מָכַר** should be read as a reflexive or passive verb and further discussion below.

<sup>28</sup> It is specifically these missing pieces that has allowed people to speculate about Lev 25 and Deut 15:1-18 being complimentary when interlaced.

<sup>29</sup> Jacobs, "Parameters of Justice," 134.

<sup>30</sup> Nihan, *From Priestly Torah*, 521.

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For the children of Israel are my slaves (כִּי־לִי בְנֵי־יִשְׂרָאֵל עֲבָדִים). They are my slaves, whom I brought out of the land of Egypt. I am YHWH the God of all of you. (v. 55)

This framework exemplifies the two-part structure of Lev. 25:23-55: 1) regulations regarding land in vv. 25-34 and 2) regulations regarding persons in vv. 35-54. More importantly, they provide the fundamental theological justifications for these laws: both the land and people belong to YHWH.

Each phase in the spiral of impoverishment is introduced with a variation of the phrase כִּי־יָמוּךְ אָחִיךָ, “if your kinsperson falls into poverty.”

v. 25: Phase 1 – the sale of land	
כִּי־יָמוּךְ אָחִיךָ וּמָכַר מֵאֲחֻזָּתוֹ	<u>If your kinsperson falls into poverty</u> and sells some of their possession,
v. 35: Phase 2 – dependence	
וְכִי־יָמוּךְ אָחִיךָ וּמָטָה יָדוֹ עִמָּךְ	<u>And if your kinsperson falls into poverty</u> and their hand wavers <u>with you</u> ,
v. 39: Phase 3a – the sale of a person to a fellow Israelite	
וְכִי־יָמוּךְ אָחִיךָ עִמָּךְ וְנִמְכַּר לָךְ	<u>And if your kinsperson falls into poverty with you</u> and is sold to you,
v. 47: Phase 3b – the sale of a person to a non-Israelite	
וְכִי תִשִּׁיג יָד גֵּר וְתוֹשֵׁב עִמָּךְ וּמָךְ אָחִיךָ עִמּוֹ וְנִמְכַּר לְגֵר תוֹשֵׁב עִמָּךְ אוֹ לְעֶקֶר מִשְׁפַּחַת גֵּר	<u>But if a resident alien prospers with you</u> and <u>your kinsperson falls into poverty with them (him)</u> and is sold to a resident alien with you or to a member of a sojourner’s clan,

Within this, the spiral into deeper debt and impoverishment can be seen by the “with you” or “with him” modifiers. Initially, the individual falls into poverty but maintains independence. In the second phase, the phrase עִמָּךְ, “with you,” is introduced, though it is that their “hand wavers with you” (v. 35), a description unique to this phase, suggesting that their dependence is less total than in the following phase. In the final phase, the impoverished person falls into poverty with you (v. 39) or with them, the resident alien, (v. 47), a complete impoverishment in which they are sold. Though both v. 39 and v. 47

represent the ultimate consequence of indebtedness and poverty, being sold to a non-Israelite is seen as a much more undesired reality that presents a more severe threat to YHWH's ownership of the children of Israel and the maintenance of economic stability and justice in Israel.

The impoverishment that results in the sale of an Israelite to a non-Israelite includes the conditional clause **וְכִי תִשְׁגֵּי יָד גֵּר וְתוֹשֵׁב עִמָּךְ**, “but if a resident alien prospers with you.”<sup>31</sup> This mirrors the conditional clause describing the kinsman falling into poverty and serves as a counterpoint. “With you” is not merely an emphasis that the resident alien lives among the people of Israel but rather that the resident alien has prospered in regard to you, “from you.” That an Israelite could be sold to a non-Israelite is such a mind-boggling circumstance, at least for the idealized world of the Holiness Code, that Lev 25 has to take special care to explain how it could be possible that an Israelite could fall into such a situation that they could be foreclosed upon by a non-Israelite who should not have a portion of the land upon which to become wealthy.<sup>32</sup>

The issue of debt is not explicitly mentioned in Lev 25, but the implication is that debt is the cause behind the Israelite falling deeper into poverty. Land is crucial for survival in a subsistence agricultural society, so an individual would not sell their land unless it was necessary, a sale of distress. The loss of land, even just a portion of that land, reduces the amount of crop that can be produced to provide for one's household, especially if there are further debts incurred due to crop failure or other crises in a subsequent year. A good enough year could be enough to pay off the debt, whether to prevent the initial sale of the land or for the individual to be able to redeem the sold land themselves. Neither phase 2 (dependency) or phase 3a (slavery to a fellow Israelite) mentions the possibility of self-redemption. The fact that redemption is again mentioned in 3b (slavery to a non-Israelite), the most calamitous of situations and one in which it would likely be more difficult for the sold person to prosper enough to be able to redeem themselves, suggests that this is also a possibility in the case of sale to a fellow Israelite.

The possibility of self-redemption is not the only element present in some circumstances but not others. The consequences of the various stages of impoverishment follow a pattern, but there are exceptions. The parts which may be excluded within the descriptions and regulations of the phases are a provision for redemption, rules governing the right treatment, the Year of Jubilee, and a motivational clause. Only 3b has all four aspects, not surprising given its threatening nature to the theology of the

<sup>31</sup> Note that the hand is once again used as a metaphor for economic mobility. While the dependent kinsperson's hand wavered, the enriched resident alien's hand “reaches” or “overtakes.”

<sup>32</sup> Jacobs, “Parameters of Justice,” 142.



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relationship between YHWH and the children of Israel. Since each of these is important not only for the understanding of the structure but also for the theology and program of Lev 25, each of these clauses, its inclusion or exclusion, and the details of how it is used need to be examined.

As mentioned above, phases 2 and 3a do not contain a provision for self-redemption; in fact, they do not include any mention of redemption at all. While it is undoubtedly assumed, at least for 3a, dependence on or even servitude to a fellow Israelite is certainly not ideal but is not a dire circumstance, at least not within the Year of Jubilee legislation. For the sale of land and the sale of an Israelite to a non-Israelite, the year of Jubilee is the ultimate safeguard and solution of last resort, there only if everything else fails. In the event of either the sale of land or the sale of an Israelite to a non-Israelite, their redeemer (גֹּאֲלֹו) is expected to come and redeem that which has been sold. In v. 25, the redeemer of land is described as דִּקְרֵב אֵלָיו, “the one who is near to them,” while v. 49 gives an extended description of who counts as “one of their kin” (v. 48) and may serve as a redeemer of a Israelite slave from a non-Israelite master, broadening the responsibility from a near relative to any male relation who is able to do so, אוֹ-דָדוֹ אוֹ בֶן-דָּדוֹ יִגְאֲלֵנּוּ אוֹ-מִשְׁאֵר בְּשָׂרוֹ מִמִּשְׁפַּחְתּוֹ יִגְאֲלֵנּוּ, “Whether his uncle or his uncle’s son may redeem him, or one of his near kin or from his clan shall redeem him.” The release of the year of Jubilee necessary is only available if no one is able to redeem them.

The exclusion of an expectation of redemption in phases 2 and 3a fits well with the idea of increasing impoverishment and dependency. The Israelite who becomes dependent does not need to be redeemed as they are still free if not independent. Perhaps it is that they have exhausted the available support from potential redeemers, having had to sell off more and more land, though if this were the case, there would also be no one, except perhaps that distant clan member, to redeem the Israelite sold to a non-Israelite. It seems more likely that the redeemer maintains control of the land that they have redeemed, as discussed above, and that, by the point of dependency, the brother is working the land as a tenant farmer not for the original creditor but for the redeemer. Further, it is possible that the wages that the dependent worker would be paid would be sufficient to allow them to eventually pay off their debt, especially with the prohibition against charging interest on any loans while they are dependent (vv. 36-37).<sup>33</sup> Likewise phase 3a does not require redemption, though undoubtedly it may allow for it because the sold Israelite is not a slave but rather is to be considered, כְּשֹׂכֵר כְּתוֹשֵׁב, “as a hired servant, a sojourner.”

<sup>33</sup> Peter Altmann, *Economics in Persian-Period Biblical Texts*.

Phase 2, dependency, is the most striking as, in addition to lacking a provision for redemption, there is no command that the dependent shall go out in the Year of Jubilee, (cf. **וַיֵּצֵא בִּיבֹל וְשָׁב** **לְאַחֲזֵתוֹ**, v. 28; also vv. 40-41) or indeed any mention of the Year of Jubilee. If the dependent kinsperson has been serving as a tenant farmer on their own land, as suggested above, then they are already on their possession, and its reversion to them is guaranteed by the basic definition of Jubilee in vv. 10 and 13. The one who has control of the land and for whom they work, whether the redeemer or original creditor, only has access to the usufruct of the land until the Jubilee, as described in vv. 14-16. There is no mention of redemption or Jubilee because they are already covered in vv. 25-28. For this reason, I have included phase 2 under the rubric of regulations regarding persons as it deals not with the question of the land but with the treatment of the dependent Israelite, as can be seen in the prohibitions against exploiting them. However, if the dependent tenant farmer should be able to redeem their land, as allowed in phase 1 (sale of land), then the return may occur prior to the Year of Jubilee.

The question of right treatment also extends into phase 3 (slavery), both 3a and 3b, but is excluded from phase 1 (sale of land) as the indebted Israelite is still both independent and free. As phase 2 does not deal with slavery but tenancy, the focus on the treatment of the tenant farmer is different from that of the “not-slave” of 3a and 3b, which both include the directive that the Israelite must be treated as a hired worker and the prohibition against ruling over them harshly:

v. 39b-40a, 43a (Phase 3a)	
<p><b>לֹא־תַעֲבֹד בּוֹ עֲבֹדַת עֶבֶד:</b>  <b>כְּשָׂכִיר כְּתוֹשֵׁב יִהְיֶה עִמָּךְ</b></p> <p><b>לֹא־תִרְדֶּה בּוֹ בְּפֶרֶךְ</b></p>	<p>You shall not work them the work of a slave. <u>As a hired worker</u>, as a sojourner <u>they shall be with you</u>;</p> <p><u>You shall not rule over them harshly</u></p>
v. 53 (phase 3b)	
<p><b>כְּשָׂכִיר שָׁנָה בְּשָׁנָה יִהְיֶה עִמּוֹ לֹא־יִרְדְּנוּ</b>  <b>בְּפֶרֶךְ לְעֵינֶיךָ:</b></p>	<p><u>As a worker hired annually</u>, <u>they shall be with them</u>. <u>They shall not rule over them harshly</u> in your sight.</p>

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Though there must be controls on the treatment of the tenant farmer, they still maintain a higher degree of freedom and independence than the not-slave of 3a and 3b. The not-slave needs more protection than the tenant. The difference in the level of protection between having been sold to a fellow Israelite and a non-Israelite is only that in 3b the responsibility to enforce this protection falls upon the rest of the children of Israel, with each Israelite personally sharing in that responsibility, rather than the individual who bought them.

In addition to the issues of redemption and the right treatment of not-slaves within these regulations, there is a difference in the motivational clauses. All but the first phase end with a motivational clause including an appeal to God and a reference to Egypt:<sup>34</sup>

v. 38 (Phase 2)	
אֲנִי יְהוָה אֱלֹהֵיכֶם אֲשֶׁר־הוֹצֵאתִי אֶתְכֶם מִמִּצְרַיִם לָתֵת לָכֶם אֶת־אֶרֶץ כְּנָעַן לְהִיּוֹת לָכֶם לְאֱלֹהִים:	I am the YHWH God of all of you; I brought you all out of the land of Egypt to give you all the land of Canaan and to be the God for all of you.
vv. 42-43 (Phase 3a)	
כִּי־עֲבָדֵי הֵם אֲשֶׁר־הוֹצֵאתִי אֹתָם מִמִּצְרַיִם לֹא יִמְכְּרוּ מִמִּכְרֹת עֶבֶד: לֹא־תִרְדֶּה בּוֹ בַּפֶּךְךָ וַיִּרְאֵתָ <sup>43</sup> מֵאֱלֹהֶיךָ:	For they are my slaves, whom I brought out from the land of Egypt; they shall not be sold as slaves. You shall not rule over him harshly, and you shall fear your God.
v. 55 (Phase 3b)	
כִּי־לִי בְנֵי־יִשְׂרָאֵל עֲבָדִים הֵם אֲשֶׁר־הוֹצֵאתִי אוֹתָם מִמִּצְרַיִם אֲנִי יְהוָה אֱלֹהֵיכֶם:	For the children of Israel are my slaves. They are my slaves, whom I brought out of the land of Egypt. I am YHWH the God of all of you.

Phase 1 deals with the land and the impoverished Israelite has, thus far, maintained their independence and freedom. For this reason, the motivation and theological justification for the redemption or return of the land in the Jubilee were covered in vv. 23-24. YHWH's ownership of the land is established in v.

<sup>34</sup> Differences within these clauses is dealt with below.

23, and this ownership grants YHWH the right to determine the dispensation thereof. While the land returns to the original owner and v. 24 refers to the land as “the land of your possession,” YHWH is the ultimate owner, and no further theological motivation is needed for the regulations of phase 1.

These remaining phases address the treatment of the impoverished and dependent Israelite: the tenant farmer who has lost the control of his land, the Israelite sold to an Israelite, and the Israelite sold to a non-Israelite.<sup>35</sup> Just as the land has a special relationship with YHWH because it belongs to YHWH, the Year of Jubilee protects the Israelites, even the most impoverished, because they belong to YHWH. YHWH has already brought the Israelites out of the land of Egypt, and that “coming out,” *יָצָא*, the same verb used to describe land and Israelite-not-slaves returning in the Year of Jubilee, governs the treatment of the impoverished Israelite. The fact that the motivation clause in v. 38 does not mention the period of slavery within Egypt but only bringing Israel out of Egypt and into Canaan further supports the idea, not explicitly stated, that at the Jubilee the tenant farmer of phase 2 regains control of his own land. The ultimate claim in v. 55 that the children of Israel are YHWH’s slaves not only explains why they cannot be bought and sold as slaves. In bringing them out of Egypt, YHWH purchased them from their temporary owners, the Egyptians. The framework began in vv. 23-24 is complete. The children of Israel are YHWH’s dependents, and just as the dependent Israelite shall live with their benefactor as a resident alien (*וְתוֹשָׁב יָחִי עִמָּךְ* v. 35) so do the people of Israel, YHWH’s slaves whom YHWH brought out of Egypt live with YHWH as resident aliens (*כִּי־גֵרִים וְתוֹשָׁבִים אַתֶּם עִמָּדִי* v. 23).

## ii. The Question of Slaves

The issue of permitted slaves must be addressed within the discussion of the structure of Lev 25:23-55. The Year of Jubilee does not abolish slavery throughout Israel but rather prohibits the slavery of the Children of Israel to any but YHWH, and in fact, it explicitly states this in vv. 44-46, an addendum to the prohibition against owning fellow Israelites as slaves. This addendum, though problematic for modern readers, also provides clarity on the question of whether dependents sold by the *pater familias* are addressed in phase 3a and b.<sup>36</sup>

<sup>35</sup> It must be noted that v. 55 serves not just as the motivation of vv. 47-55 but also of the Year of Jubilee from vv. 23 on and even the whole of Lev 25.

<sup>36</sup> For those who argue that Lev 25 deals exclusively with *pater familias*, see: Schenker, “The Biblical Legislation,” 33 and Chirichigno, *Debt-Slavery*, 330. Cf. also Bergsma, *The Jubilee*, 100-101, who moves away from an argument of an exclusive understanding on the *pater familias* to viewing the self-sale of the *pater familias* as the “paradigm situation” imagined by Lev 25, connecting that with the overall focus on the ancestral patrimonial land.

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After phase 3a prohibits Israelites from owning other Israelites, vv. 44-46 explicitly allows Israelites to own non-Israelite slaves and to treat them as permanent property that they can then bequeath to their children. There is neither a provision for redemption nor a promise of freedom in the Year of Jubilee. Further the regulations regarding the right treatment seen in phases 2, 3a, and 3b does not apply to non-Israelite slaves; instead the text gives explicit permission to treat those that have been acquired “from the nations that surround you” (v. 44) and even from the children of the resident aliens in the land (v. 45) as slaves (v. 46). While this text does not go so far as to permit the Israelite to rule over non-Israelites harshly (בְּכָרָךְ), no limit is given regarding how they are to be treated. Though readers today may wish otherwise, the Holiness Code is not interested in the abolition of slavery.

However, v. 46 repeats the prohibition against treating Israelite “not-slaves” harshly, using the same language from v. 43: וּבְאַחֲיֵכֶם בְּנֵי־יִשְׂרָאֵל אִישׁ בְּאָחִיו לֹא־תִרְדֶּה בּוֹ בְּכָרָךְ, “But your kin, the children of Israel, each their kin, you may not rule over them harshly.” This section is not an abrupt disruption between phases 3a and 3b. Instead, as v. 46b demonstrates, it provides a contrast between Israelites and non-Israelites. No Israelite, whether *pater familias* or a dependent can be treated harshly. As this follows the permission to own non-Israelite slaves permanently (לְעֹלָם) and to pass them on as an inheritance, there can be no question that, for Lev 25, even dependents sold into slavery by their *pater familias* are not to be treated as slaves and must be released at the Jubilee. Likewise, while an Israelite may own non-Israelite resident aliens as permanent slaves, non-Israelite resident aliens may not own Israelites as actual slaves, either permanently or temporarily.

Though a *pater familias* would likely sale a dependent before selling land, Lev 25:23-55 disrupts the cycle of impoverishment by not explicitly addressing the sale of a dependent separately. That does not mean that the Holiness Code is unfamiliar with the sale of dependents but rather that the Holiness Code does not seem to view the sale of dependents and the self-sale of a *pater familias* as separate situations regarding how they are to be treated or their tenure. Rather the prohibition against owning Israelites as slaves and the protections afforded to those Israelites who are sold applies to all of the children of Israel, *pater familias* and dependent, male and female.<sup>37</sup> The Year of Jubilee is not meant to be universal legislation, but it does apply to all of the children of Israel, portraying them all as equal, at least when it comes to the protections from slavery and to YHWH’s claim upon them.

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<sup>37</sup> The fact that v. 44 refers to both וְאִמָּתָךְ וְעַבְדְּךָ, “slaves and female slaves,” indicates that both male and female Israelites are protected by the Jubilee legislation.

## Key Issues and Themes

### *Sabbath: Not for the Poor*

A crucial difference between Lev 25 and the laws in the Covenant Code is the exclusion of the poor from the motivation of the seventh year fallow; in fact the Sabbath in Lev 25 lacks any anthropocentrism, though perhaps it contains anthropomorphism.<sup>38</sup> In Exod 23:10-11, the entire motivation behind the fallow year is to provide relief for the poor:<sup>39</sup>

Six years you shall sow your land and gather in its produce; but the seventh year you shall release it and let it lie fallow, **so that the poor of your people may eat**; and what they leave the beasts of the field may eat. Thus you shall do with your vineyard and your olive orchard. (Exo 23:10-11)

As has already been mentioned, the Holiness Code's Sabbath Year fallow is for the land, not for the poor or for people in any way, though it should be noted that the produce of the land is food for all the people, including slaves, hired workers, and sojourners (v. 6).

In fact, the assurance of provision during the Sabbath Year in Lev 25 includes both cattle (וְלִבְהֶמְתָּךְ) and wild animals (וְלִכְלִיִּים) (v. 7). Exod 23 allows that the beasts of the field (חַיֵּי הַשָּׂדֶה) may eat of what is left of the fallow produce after humans have taken what they need (v. 11). In Lev 25, while animals, both domestic and wild, are listed after humans, they are not said to get only the leftovers.

And the Sabbath of the land shall be food for all of you: for you, for your male slave, for your female slave, for your hired worker, and for your sojourner, the ones sojourning with you. And for your cattle and for the living creatures that are in your land, all of the fruit of the land will be for food. (vv. 6-7)

While the list itself may be seen as descending from "for all of you" to "for the living creatures that are in your land," all are entitled to this food source.<sup>40</sup>

The Year of Jubilee is clearly concerned with the poor among the children of Israel, but unlike the earlier fallow law of Exod 23, Lev 25's Sabbath fallow is for the sake of the land, not the people. However, obedience to the Sabbath law as well as the Year of Jubilee does result in the assurance of

<sup>38</sup> cf. Jeffrey Stackert, "The Sabbath of the Land in the Holiness Legislation: Combining Priestly and Non-Priestly Perspectives," 239-250.

<sup>39</sup> In order for the fallow year to provide for the poor, it could not have been a universal one every seventh year. As the Sabbatical fallow year in Lev 25 is a universal year, the motivation has to be different. Despite this, the lack of direct concern for the poor in any of the Sabbatical regulations is noteworthy. Contrary this see, Mathitiah Tsevat, "The Basic Meaning of the Biblical Sabbath," in which he argues that this is a secondary rationale rather than the purpose of the sabbath law.

<sup>40</sup> For more on this, see A. Rachel Schafer, "Rest for the Animals? Nonhuman Sabbath Repose in Pentateuchal Law." Whether this can truly be seen as a descending order is also questionable. The order of humans after the "you" are slaves, hired workers, then resident aliens. This may represent a movement from the most dependent to the least. If so, this is mirrored in domesticated animals preceding wild animals.

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provision for the people living in the land, including the recognition that the fallow year could cause difficulties for a subsistence agricultural society without intervention:

And if you all say, "Of what shall we eat in the seventh year, supposing we shall not sow, and we shall not gather in our produce?" Then I shall command my blessing upon all of you in the sixth year, and the land will make the produce for three years. And you all shall sow in the eighth year, and you all shall eat from the old produce; until the ninth year, until the bringing in of its produce, you all shall eat the old. (vv. 20-22)

The Sabbath law's focus on the land does not indicate a disinterest in the people or the poor, but rather a difference of focus onto the relationship between the land and YHWH.

### *Debt and Debt Relief*

Many scholars, particularly those who focus on the relationship of Lev 25 with Deut 15:1-18, point out that the Jubilee regulation does not address the forgiveness of debts. While there is little question that the state of the Israelite becoming impoverished is a direct result of debt, most likely as the result of subsistence loans, the only mention of loans of any sort is in the context of phase 2 when the impoverished brother has become a dependent in vv. 35-38:

And if your kinsperson falls into poverty and their hand wavers with you, you shall strengthen them; as a resident alien, they shall live with you. **You shall not take interest or extra fees from them**, but fear your God, and your kinsperson shall live with you. **You shall not give them your silver at interest, and you shall not give your food for a profit.** I am YHWH the God of all of you; I brought all of you out of the land of Egypt to give all of you the land of Canaan and to be the God of all of you.

These verses do seem to allow for an expectation here that the silver given to the dependent Israelite will be repaid. The food will be, or at least could be, sold to them rather than freely given but not treated as a predatory loan.

The Year of Jubilee is intended to be a reset in which the return to one's property allows the person and household to escape the debt-cycle. They must be able to do so with a "clean slate." If they simply return to the land with a continuing burden of debt, then their new start is one in which they are already behind, needing to produce enough to feed their family, to have a surplus to put away in case of a bad season, and to pay the tithe, while also having the added expense of paying off their debts. Further, the requirement to treat Israelite not-slaves as hired workers does not seem to apply merely to how they are treated but rather to require that they are to be paid for their work. This can be seen in the possibility described in v. 49 that the impoverished Israelite who was sold to a non-Israelite may eventually be able to purchase their own redemption.

The most likely explanation for the absence of debt seems to be that Lev 25 did not need to call for the forgiveness of debts as the situations of selling land, becoming dependent, and, ultimately, being sold are understood as paying the debt in full or, perhaps more accurately, having those loans

foreclosed upon. Unfortunately, this does not provide any relief to an Israelite who has a subsistence-based debt but never reached the level of impoverishment in which it became necessary to sell off a piece of land. The loan practices throughout the ancient Near East may be instructive, as loans were usually due within a year of having been issued. If someone in debt did not need to sell any of their land, then it seems likely that they had been able to pay off the debt.

### *Cities*

The treatment of cities in Lev 25 is in accord with the rest of the Holiness Code, which has no interest in any cities, including Jerusalem. Outside of Lev 25, cities are mentioned only in 26:25-33, where YHWH asserts that the cities shall not save the people should YHWH's wrath be turned against them. The threat of punishment so significant that cities will not afford them protection comes only after two previous sets of penalties and Israel's continued disobedience. Despite the walls being meant for defense, YHWH promises that the cities will be defeated and that rather than a place of protection the cities will be a source of peril:

I will bring the sword against you, executing the vengeance of the covenant; and **if you gather within your cities, I will send pestilence among you**, and you shall be given into enemy hands. (Lev 26:25)

While walls are not mentioned explicitly in this context, they are implied, both as the hope of refuge and the trap that guarantees their destruction. Those walls which keep the enemy out of the cities, also keep the people in close quarters as they wait out a siege within them. Not only are food supplies cut off, but once a communicable disease takes root, it spreads quickly among the populace.

While the Holiness Code never explicitly condemns cities, it seems to hold them in disdain in the few places that they are acknowledged. A walled city would not successfully provide the promised protection should YHWH's wrath be turned on Israel as a result of Israel's disobedience. Houses in walled cities can be permanently sold, so long as they are not a part of the cities of the Levites. Cities simply do not fit within the agricultural focus of the Holiness Code. While scholars are right to point out that property within a walled city is most likely excluded because they are not a part of a patrimony, there seems to be something more behind the Holiness School's treatment of cities. Cities are not only separate from the agricultural work of the land but can be seen as opposed to rural life. People living in houses in walled cities eat of the produce of the land but do not work the land and do not directly contribute to the agricultural economy. Walled cities, separate from patrimonies that YHWH grants to families when they enter the land, take away from these patrimonial land grants. It may be less surprising that the exception regarding houses in cities is included in the regulations of the Jubilee and



more surprising that the agriculturally focused the Holiness Code does not more explicitly condemn cities.

## Theology

### *Particularity*

Perhaps the most uncomfortable aspect of Lev 25 for the modern reader is its particularity. Despite the language of v. 10, “And you all shall consecrate the fiftieth year, and you all shall proclaim liberty in all the land **to all who dwell in it**. It shall be a Jubilee for you all, and you all shall return each to his possession, and you all shall return each to his clan,” the liberty proclaimed in the Jubilee does not apply to everyone who lives in the land of Israel. Throughout the chapter, the impoverished and dependent individual who is protected from permanent land loss or complete loss of liberty is אֶתְּיָדְךָ, “your kinsperson.” If there were any question that this term only refers to fellow Israelites and not a universal statement about humanity as a common family, vv. 44-46 refutes that idea. As discussed above, the Year of Jubilee does not abolish slavery, not even to the limited degree of assuring that the offspring of non-Israelite slaves would eventually be freed and able to start anew.

This particularity is part of the theology of the Holiness Code. There are laws that apply to both the non-Israelite and the Israelite as is seen in Lev 24:15-22, the commandments surrounded by the narrative of the man, the son of an Israelite woman but not an Israelite father, who blasphemed; in 18:26 referring to the sexual prohibitions; and in Lev. 20 regarding the worship of Molech. However, the primary focus is the people of Israel, and the non-Israelite is treated as “the other” throughout the Holiness Code. In Lev. 19 and the well-known command to love your neighbor in 19:18, לְרֵעֶךָ, “your neighbor,” does not refer to everyone but rather only to other Israelites. The immediate context of 19:18 unambiguously defines the neighbor, “You shall not take revenge; you shall not keep anger **at a child of Israel**, but you shall love your neighbor, for they are like you.<sup>41</sup> I am YHWH.” If “your neighbor” was to be understood to refer to Israelites and non-Israelites alike, the second command to love, this time to love the resident alien in 19:34, would not be necessary. While the Holiness Code does seek to protect the resident alien from oppression (19:33-34), neither the same level of protection nor the full range of requirements applies to them. They are still to be loved and well treated, but there is a definitional difference that requires a separate command regarding them. According to Jan Joosten, the

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<sup>41</sup> For this translation of אֶתְּיָדְךָ, see Andreas Schüle, “Denn er ist wie Du: Zu Übersetzung und Verständnis des alttestamentlichen Liebsgebots Lev 19,18.”

resident alien “is a free agent and nobody’s charge” and “may retain [their] foreign culture and religion with its practices,” though the apodictic prohibitions apply to them, even when there is a conflict between the prohibition and the practice of their own religion.<sup>42</sup>

This theology of particularity, even within the laws of economic justice, is connected to the identity of YHWH and YHWH’s history with Israel. This can be found in the repeated reminder of YHWH’s bringing Israel out of Egypt and into Canaan (vv. 2, 38, 42, and 55). This unique relationship becomes the justification for the protections extended to Israelites but denied non-Israelites.<sup>43</sup> While Lev. 19 does prohibit the oppression of the sojourner, Lev. 25 does not even prohibit the harsh treatment against the non-Israelite as it repeatedly does for the Israelite. There can be no theological claim of equality between the Israelite and the non-Israelite before the law or even before YHWH according to Lev 25. Despite this unsettling aspect of Lev 25, the Jubilee does fit with the theology seen elsewhere in the Holiness Code, specifically in Lev. 19. Andreas Schüle proposes that, for Lev 19, “das ganze Kapitel um die Thematik von Ungleichheit unter Gleichen, um die teils offensichtlichen, teils subtil verdeckten sozialen Gefällelagen und hierarchischen Arrangements unter den **בני ישראל** kreist.”<sup>44</sup> Just as Lev 19 deals with the issue of inequality among equals, so does Lev 25, establishing that every Jubilee, all of Israel will once again be set on equal, or near equal, footing, replicating the original divine land grants and reasserting YHWH’s kingship and erasing at least momentarily, that inequality.<sup>45</sup>

### *The Exodus Event and the Israelites as YHWH’s Slaves*

Egypt is mentioned in the Holiness Code, ten times, three of which occur within Lev 25. Of these ten occurrences, eight specifically refer to YHWH bringing the people of Israel out of Egypt (19:36; 22:33; 23:43; 25:38, 42, 55; and 26:13, 45). Within the larger corpus of priestly legislation, the history of the exodus event does not seem to play a significant role the way it does in the Holiness Code or Deuteronomy,<sup>46</sup> whether one agrees with Israel Knoch regarding the relationship between the Priestly

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<sup>42</sup> Joosten, *People and Land*, 72.

<sup>43</sup> The nature of this relationship shall be discussed in further detail below.

<sup>44</sup> Schüle, “Denn er ist wie Du,” 528.

<sup>45</sup> Cf. Houston, *Contending for Justice*, who claims that the “text assumes an essentially classless society” but also that the inequality does occur and that the Year of Jubilee “in theory, offers a term to the situation of inequality,” 194f.

<sup>46</sup> Joosten, *People and Land*, 94.

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source and the Holiness Code,<sup>47</sup> there does seem to be a particular interest in the exodus event as a motivator for both YHWH and the people of Israel in the Holiness Code.

The Holiness Code's utilization of Israel's history in Egypt as motivation can be divided, though not entirely, into two categories: cultic obedience and social justice. Lev 26:45 is an outlier as it explains YHWH's motivation rather than providing motivation for Israel to obey YHWH. Lev 22:33 and 23:43 both occur at the end of chapters dealing with cultic issues: right sacrifice in Lev 22 and the festivals, specifically the Festival of Booths, in Lev 23. Lev 18:3 is part of the introduction to the sexual prohibitions, the transgressing of which leads to the defilement of the land itself, and 26:13 is the bridge between the blessings of obeying YHWH and the curses of disobedience. In the social justice category, Lev 19:34 and 36 use the remembrance of life in Egypt and YHWH's bringing them out as justification to not oppress the resident alien and to not use dishonest measurements. Likewise, 25:38, 42, and 55 support prohibitions against the oppression and enslavement of Israelites, though unlike 19:34, the resident aliens are explicitly excluded as seen above.

Of these references to Egypt, only 25:42-43 excludes the explicit statement that YHWH is the God of the Israelites but does call on Israel to fear their God. Though the form is not always, **אֲנִי יְהוָה**, **אֱלֹהֵיכֶם**, "I am YHWH, the God of all of you," a variation of this is present in each of the remaining cases. This difference may be explained in that 25:42 serves as a transition between the motivational clause against oppression in 25:38 and the motivational clause in 25:55 against the Israelites being slaves of non-Israelites.

v. 38:

**אֲנִי יְהוָה אֱלֹהֵיכֶם אֲשֶׁר-הוֹצֵאתִי אֶתְכֶם מֵאֶרֶץ מִצְרַיִם לָתֵת לָכֶם אֶת-אֶרֶץ כְּנָעַן לְהִיּוֹת לָכֶם לְאֱלֹהִים:**

I am YHWH the God of all of you; I brought you all out of the land of Egypt to give you all the land of Canaan and to be the God for all of you.

vv. 42-43:

**לֹא-תִרְדֶּה כִּי-עֲבָדִי הֵם אֲשֶׁר-הוֹצֵאתִי אֹתָם מֵאֶרֶץ מִצְרַיִם לֹא יִמְכְּרוּ מִמִּכְרֹת עֶבֶד: בּוֹ בְּפִרְךָ וּבְרֹאשׁ מַאֲלֵהֶיךָ:**

<sup>47</sup> Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, argues that the Holiness Code is a redactor of the priestly legislation. According to his analysis, none of the Priestly laws include sections with "hortatory motive clauses," (106). According to this the few references to Egypt in laws outside of Lev 17-26: Exod 29:46; Lev 11:45; and Num 3:13, 8:17; 15:41 belong to the Holiness Code redaction within the Priestly legislation.

For they are my slaves, whom I brought out from the land of Egypt; they shall not be sold as slaves. You shall not rule over him harshly, and you shall fear your God.

v. 55:

כִּי־לִי בְנֵי־יִשְׂרָאֵל עֲבָדִים עֲבָדֵי הֵם אֲשֶׁר־הוֹצֵאתִי אוֹתָם מֵאֶרֶץ מִצְרַיִם אֲנִי יְהוָה  
אֱלֹהֵיכֶם:

For the children of Israel are my slaves. They are my slaves, whom I brought out of the land of Egypt. I am YHWH the God of all of you.

The lack of this phrase in vv. 42-43 serves to highlight a new idea which is carried over into v. 55: the Israelites are the slaves of YHWH, a claim that forms the basis of the theology of peculiarity seen above.

Not only does YHWH's ownership of the people of Israel preclude them being owned by anyone, even when sold, but it governs how they may be treated during their tenure as not-slaves. Despite the desperation of their situation and the fact of having been sold, the Israelite is to be treated as though the situation were different than what it is. Because they are YHWH's slaves, a kind of divinely mandated make-believe is required on the part of the purchaser. The slave cannot be worked or treated as a slave but must be treated as a hired worker, with only their *Arbeitskraft* having been purchased.<sup>48</sup> While the permissible slaves, those taken from those who are not a part of the children of Israel, may be treated as slaves, Lev 25 emphasizes three times that Israelites may not be ruled over בְּפֶרֶךְ, ("harshly," vv. 43, 46, and 53). Nowhere in Lev 25 does the text elaborate on what is intended by the idea of harsh treatment. Japhet understands this as the difference between the treatment of a slave and hired worker without describing what exactly those differences are,<sup>49</sup> and Gregory Chirichigno seems to find this lack of specific definition to be a fatal flaw, arguing that this is simply a restatement of the difference in tenure between the Israelite "not-slave" and chattel slaves who may be owned permanently.<sup>50</sup> Despite the fact that neither Sara Japhet nor other scholars can precisely describe what harsh treatment would look like, the original audience was likely to understand what was meant. Because they belong to YHWH and not the one who has foreclosed upon them or to whom their service has been sold, only YHWH is allowed to determine the conditions under which they may be worked.

<sup>48</sup> Sara Japhet, "The Relationship Between the Legal Corpora in the Pentateuch in Light of Manumission Laws." Against this view is Chirichigno, *Debt-Slavery*, 332, who applies the special conditions required by the passage to the nature of the transaction itself and argues that the impoverished Israelite is seeking refuge and a place to live until the Jubilee, when his land will be returned to him. The problem with this view is that the regulations governing the Israelite's treatment once he has been sold are meant to counter the reality that the Israelite has been sold.

<sup>49</sup> Japhet, "Relationship Between the Legal Corpora," 85-86.

<sup>50</sup> Chirichigno, *Debt-Slavery*, 337-38

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The foreigner who has prospered and to whom an impoverished Israelite has been sold cannot be trusted to understand that their Israelite not-slave belongs to another master. Because of this, v. 53 lays the burden for assuring the right treatment of the foreclosed Israelite on the shoulders of the rest of the children of Israel, on each individual Israelite, **לֹא־יִרְדְּנוּ בְּפָרְךָ לְעֵינֶיךָ**, “He shall not rule over him harshly in your sight.” If harsh treatment only refers to not releasing slaves at the Jubilee, then the responsibility of the Israelite community to assure the release of Israelites enslaved by non-Israelites is a one-time responsibility. Their obligation is nothing more than assuring that these Israelites are freed at the Jubilee and allowed to return to their patrimonies. If harsh treatment is the difference between treating an Israelite slave as a hired worker rather than a slave, then the responsibility for the children of Israel to provide oversight and protection applies to the entire term of a fellow Israelite as a not-slave to a resident alien. This seems to be what is meant by v. 53, in which being treated as a hired worker is equated with not being ruled over harshly. The relationship with YHWH and the ownership of all Israelites by YHWH brings not only protection from actual slavery but also the duty to protect other Israelites from that fate, not just to the Israelites under their personal authority as not-slaves but to all Israelites.

Unlike the slaves that may be taken from the nations surrounding them or from the resident aliens and foreigners living among them, the children of Israel may not be worked permanently or treated harshly. This means that it is not the Israelite that is sold under the laws of Lev. 25 but their labor. While the Israelite who has been foreclosed upon may not live to return to their possession at the Jubilee, their children or grandchildren will, and they will return to their rightful state as YHWH’s slaves that are only dependent upon YHWH and working the land YHWH has granted to them.<sup>51</sup>

This concept that YHWH brought the children of Israel out of Egypt and that, for this reason, they are YHWH’s slaves also explains the theology of particularity addressed above. As those who do not have a part of the shared exodus history, non-Israelites do not belong to YHWH and there is no ultimate owner protecting them from being owned as slaves. Likewise, there is no one obligated to limit how they are treated. It is not that Israelites cannot be slaves and the people of other nations can be but rather that there is already a primary claim to ownership of the Israelites.

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<sup>51</sup> See Joosten, *People and Land*, 134-135.

*The Land is YHWH's*

YHWH's ownership of and relationship to the land is an integral part of the overall theology and project of the Holiness Code. In 25:2, the words of YHWH to the Israelites begins with, "When you all come into the land that I am giving to you all." Because the land is YHWH's, YHWH has the right and ability to give it to the Israelites. Joosten points out that this or a similar formula occurs two other times within the Holiness Code, 19:23 and 23:10, and that each time the laws which follow are of the same type.<sup>52</sup> Lev. 19:23-25 deals with fruit trees that were planted "when you come into the land," prohibiting their fruit from being harvested for three years, dedicating it to YHWH in the fourth year, and making it available to eat only in the fifth year. Likewise, 23:10-14 institutes the offering of first fruits, including the commandment that none of the new produce is to be consumed until after the first fruits have been offered to YHWH. YHWH is the owner of the land, and the children of Israel are tenants to whom YHWH has granted the land, and, thus, YHWH has the right to the first fruits.

The command in Lev. 25:2 is different from that which follows 19:23 and 23:10, though it still asserts YHWH's ownership of and authority over the land. While it involves immediate abstinence, there is no required offering of the produce to YHWH before the Israelites can partake of it. In fact, the land itself is the active subject of the command for the first Sabbath.<sup>53</sup> The land is the possession of the Israelites through YHWH's granting, but the land also has its own relationship with YHWH in which it observes a Sabbath rest to YHWH. It is for the land that YHWH establishes the Sabbath cycle, not for people, disenfranchised or otherwise.

Lev 25:2 is not the only place within the Holiness Code that the land is seen as an active agent. Lev 18, with its sexual prohibitions, is framed by the theme of the land. In v. 3, the land is passive, and the "land of Canaan, where I am bringing you all" is contrasted with "the land of Egypt, where you all lived." The claim is that YHWH has the authority over the land of Canaan and has the authority and right to evict the original inhabitants and bring a new people into it and give it to them to settle it. The command here is to avoid doing "the work of the land of Canaan," contrasting the commands Israel is required to obey with the behavior of the people who were dispossessed for YHWH to give Israel the

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<sup>52</sup> Joosten, *People and Land*, 172.

<sup>53</sup> Schafer, "Rest for Animals," 178-79, understands the land not as being envisioned as an active agent itself but as a possible representation of "all the life contained on it." While it is clear that Lev 25:6-7 envisions the Sabbath provision as being for all of the life in the land, the depiction of the land throughout the Holiness Code does seem to suggest a broader understanding. Contrary to this, Stackert argues, taking the whole of the Holiness Code into consideration, that "it is a fully capable of refraining from its conventional work in observance of the Sabbath year" (Sabbath of the Land, 243).

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land. Lev. 18:25f brings the land of Canaan into sharper focus, treating it as an active agent and participant in a relationship both with YHWH and with its inhabitants:

Thus, the land became defiled; and I called it to account for its iniquity, and the land vomited out its inhabitants. But you shall keep my statutes and my ordinances and commit none of these abominations, either the citizen or the alien who resides among you (for the inhabitants of the land, who were before you, committed all of these abominations, and the land became defiled); otherwise the land will vomit you out for defiling it, as it vomited out the nation that was before you.

Here the land is able to be punished “for its iniquity,” presumably the iniquity of allowing itself to be defiled by the abominations committed by its inhabitants. The land’s participation in the guilt of the people living in it is supported by land’s ability to vomit up its inhabitants. The implication seems to be that had the land done so earlier, the land would not share in the guilt and punishment, though it would still have needed to be restored to an undefiled state. The land “vomited out the nation that was before you” as a result of God’s punishment of the land and will do so again, even to the people of Israel, if necessary, to prevent being defiled and maintain its relationship with YHWH. Though this active role of the land in expelling those who defile it is meant as a graphic metaphor, the agency assigned by this rhetorical choice to the land resumes in Lev 25, where the land is not just responsible to YHWH for its defilement but is an active partner in a relationship with YHWH through the act of observing a Sabbath rest.

As the bridge between the first and second halves of Lev 25, vv. 23-34 emphasize the importance of YHWH’s ownership of the land for both the Jubilee legislation and the preceding Sabbath legislation. Because YHWH owns the land, YHWH maintains ultimate control over the land. Even though the people of Israel have the right to sell the usufruct of the land, they are denied the right of alienation. The right of alienation is an essential aspect of ownership. Because an impoverished Israelite may sell the usufruct of the land, which they are entitled to sell as tenants, but not the land itself, even though YHWH has given the land to them, they do not truly own it. The land is and remains YHWH’s. Just as the Israelites are the slaves of YHWH and in a special relationship with YHWH which affords them protections and provisions, assuming they obey, the land is in a special relationship with YHWH which affords it both the responsibility of observing Sabbath and the promise of rest that is Sabbath. If the Israelites try to prevent the land from enjoying its Sabbath rests, Lev 26:34-35 asserts that while the people are in exile for their disobedience and the land desolate, the land shall be able to rest and enjoy the Sabbaths that it missed while they were living there. This relationship provides the theological basis from God’s authority not only in the giving of the land initially but in regularly restoring the distribution of the land to YHWH’s original grants.

*The Jubilee as Holy*

While the subject of the Sabbath command is the land, who observes the Sabbath and the one that the Sabbath benefits, the Jubilee's focus is on the children of Israel. The land is neither actor nor recipient and is mostly taken out of the picture altogether, serving only to establish the range of the Jubilee's effect. Yet there are undeniable connections between the laws for the Jubilee and the Sabbath. As was seen above, the agricultural restrictions are identical, and the Jubilee should not be entirely divorced from the Sabbath and is integrated so that it cannot be.

The shift from the land as an active subject in the Sabbath to an economic commodity in the Jubilee signals a different focus but also requires a different primary actor. In the Sabbath Year legislation, most of the commands were aimed at the people, but all preceded, as seen above, with the statement that the land is observing the Sabbath. For the Jubilee, the land is no longer an actor, and all the responsibility falls upon the people. In fact, it is the whole of the community of the children of Israel who consecrate the Year of Jubilee:

And you all shall consecrate the fiftieth year, and you all shall proclaim liberty in all the land to all who dwell in it. It shall be a Jubilee for you all, and you all shall return each to their possession, and you all shall return each to their clan. (v. 10)

The difference between **וְקִדְּשֶׁתֶּם**, “you all shall consecrate” in v. 10aα and **קִדְּשׁ תְּהִיָּה**, “it is holy” in v. 11 is striking. Perhaps this is nothing more than cause and effect: the result of the action of the people consecrating the year is that “it is holy.” However, **וְקִדְּשֶׁתֶּם** in v. 10 is a command, “you all shall consecrate,” and the stative construction of holiness is not found in v. 10aβ-b or v. 13, the sections dealing with the issue of return. The natural question then is what it means for the people to consecrate a year. The text itself immediately provides one possible answer to the question: proclaiming liberty is the act that consecrates the year. If this hypothesis were correct, then the Sabbath-like agricultural observation during the year of Jubilee is because the Jubilee is holy, and the Jubilee is holy, because liberty has been proclaimed in the land. This is supported by a difference in the statement describing for whom the Jubilee exists when compared with the Sabbath Year. While the Sabbath Year in vv. 2-8 is **לְאֶרֶץ**, “for the land,” (vv. 4, 5) the Jubilee is, in both its aspects, **לְכֶם**, “for you all,” (vv. 10, 11). While the agricultural reality of the Jubilee does parallel that of the Sabbath, the Jubilee is for the people, not the land.

On the other hand, many, though not all, of the passages describing the consecration of Sabbath focus on abstaining from work. The commentary on what it means to consecrate the Sabbath in Jer 17 focuses entirely on avoiding any work, particularly carrying burdens (Jer 17:21f). More importantly, in



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Exod 20:8-11 and Deut 12:15, the Sabbath command within both versions of the Ten Commandments, there is no question that consecrating the Sabbath means to abstain from work, centered in God's resting on the seventh day of Creation. While there are other passages that do not explicitly define what it means to consecrate or to profane the Sabbath (Neh 13:15-22 and Ezek 20, 23, 44), these seem to have the shared understanding that a cessation of work is the manner of consecrating the Sabbath, so that no further elaboration is required.

This can also be seen in the Holiness Code's laws regarding the festivals that Israel must keep. While the Holiness Code never refers to the need for humans to consecrate the Sabbath or any other festival, here the cessation from all work is a vital component of any holy day, not just the Sabbath. In the description of the Passover, the Holiness Code says:

On the first day, there will be a holy convocation for you; all your work of labor you shall not do. And seven days, you shall bring burnt offerings to the Lord. On the seventh day, there will be a holy convocation; all your work of labor you shall not do. (Lev 23:7-8)<sup>54</sup>

That leaves the question of the Holiness Code's understanding of the Sabbath and holy convocations open: are they consecrated by the cessation of labor, as is the case in the other texts, or is labor to be ceased because they are holy? The text of 25:10-13 seems to suggest the latter, that the agricultural rest is due to the holiness rather than producing holiness. As seen above, the connection with the Sabbath Year, including the cessation of work, includes the Year of Jubilee in the holy rhythm of time, in the holy pattern of work and rest.

The Jubilee serves as a time of return and restoration. Each person is returned to their patrimonial land, granted by YHWH to their ancestors upon first entering the land. As has been noted above, because of the length of time between Jubilees, the impoverished Israelite might not benefit from the Jubilee but rather their children or even grandchildren. In Lev 25, the Jubilee effect is a broader phenomenon that governs all—excluding houses in walled cities not belonging to the Levites—economic activity involving the exchange of land or of people belonging to the children of Israel. Shead understands the Jubilee, rightfully, to be a special kind of redemption but overlooks the role of Jubilee in the regular activity of redemption between Jubilees.

Although redemption in Leviticus 25 is not a sabbatical or 'jubiliary' activity per se, the jubilee law does not make sense without it. The extraordinary case of the 50-yearly restoration of insolvent households was designed to supplement the ongoing practice of redeeming people and property for the clan's benefit. Jubilee is, in effect, a special case of redemption, special because it is awaited a long time, it benefits everybody but especially the poor, and it extracts a higher price from the creditors.<sup>55</sup>

<sup>54</sup> See also Lev 23:3, 21, 24-25, 27-32, 35-36, and 39.

<sup>55</sup> Andrew G. Shead, "An Old Testament Theology of the Sabbath Year and Jubilee," 22.

In vv. 14-17 not oppressing the kinsperson is defined as buying land, or rather usufruct, based on the number of years until the next Jubilee, and in vv. 50-52, the not-slave's redemption price from the non-Israelite is calculated according to the years until the Jubilee. The Jubilee is "a special case of redemption" in which the land or the people who could not be redeemed financially are redeemed by the command of YHWH, but it also provides the governing mechanism for both sales and redemption between Jubilees.

By declaring liberty in all the land, the year of Jubilee is twice consecrated. It is holy because it is a Sabbath or similar to one, a time of rest in which no agricultural activity is permitted, and because it is the time when each returns to their possession and their clan. It is a crucial part of the holy rhythm of Israel's life, providing governance for the times between Jubilees.

### *The Day of Atonement and Created Order*

The Year of Jubilee exists within the holy rhythms of Israel's time, not just in its connection to the Sabbath Year, but also through the Day of Atonement. The Year of Jubilee is declared on the Day of Atonement, which is here not connected with the beginning of the year:

And you shall blast a sound on the trumpet, in the seventh month, on the tenth day of the month, the Day of Atonement, you all shall sound the trumpet in all of your land. (Lev. 25:9)

By setting the beginning of the Year of Jubilee in the seventh month, on the tenth day, the Holiness Code has intentionally connected it with the Day of Atonement. This is not just happenstance or coincidence. Instead, by connecting them, both are heightened. The Day of Atonement becomes the beginning for a sacred year, and the Year of Jubilee begins on a sacred day. Within the rhythms of holy seasons, the Holiness Code has emphasized this particular downbeat.

Though the ritual of the scapegoat is in the Priestly source portion of Leviticus, the Holiness Code does describe the Day of Atonement in Lev 23, assigning to it a weight that is not seen in the other "set times" and "sacred occasions:"

Mark, the tenth day of this seventh month is the Day of Atonement. It shall be a sacred occasion for all of you; *all of you shall humble yourselves* and bring an offering by fire to the Lord; you shall do no work throughout that day. For it is a Day of Atonement, *on which atonement is made for all of you before the Lord your God*. Indeed, whoever does not humble themselves, *on that very day they shall be cut off from their kin*, and whoever does any work, *on that very day I will cause that person to perish from among their people*. Do no work whatever; it is a law for all time, throughout the ages in all your settlements. It shall be a complete sabbath of complete for all of you, and *you all shall humble yourselves*. (Lev 23:27-32a)

A couple of things set the Day of Atonement apart from the other days listed in Lev 23. Of all these commanded holidays, only the Day of Atonement carries the weight of a penalty for not observing it: they are to be "cut off from their kin," and YHWH will cause them to "perish from among their people."

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Violating the requirements of the Day of Atonement is an offense against YHWH that results in a person and their offspring being excluded from the community. As is seen Lev 17:3-7 (profane slaughter) and 10-12 (consuming blood), this penalty is not reserved for capital crimes but also applies to cultic crimes that destabilize the community through jeopardizing the shared relationship with YHWH. The requirement to present that which is slaughtered as an offering to YHWH is described in 17:7a as “that they may no longer sacrifice to goat demons.” The prohibition against the consumption of blood is that as it is the life YHWH has set it as atonement for the people (Lev 17:11), using the same term (כִּפּוּר) used in Lev 23 as well as earlier in the Day of Atonement rites in Lev 16.

In addition to being cut off from the children of Israel, the Day of Atonement has a requirement that none of the other set days have. In addition to being a day of complete rest (שַׁבָּת שְׁכָתוֹן), the Day of Atonement requires that the people humble themselves (וְעִנִּיתֶם אֶת־נַפְשֵׁיכֶם, Lev. 23:27), language also found in the regulations of the Day of Atonement in Lev 16 (vv. 29 and 31). The usage of (עָנָה) as humbling oneself before YHWH, of having an attitude of submission to YHWH and YHWH’s will can also be seen in Exod 10:3, in which YHWH, through Moses and Aaron, asks Pharaoh how long he will refuse to humble himself before YHWH by not letting the Hebrews go. In Isa 58, the expression (עֲנִינוּ) is used alongside fasting to portray an attitude of repentance before YHWH, an attempt to restore right relationship with God.

The Day of Atonement, with which the Year of Jubilee begins, is a day of restoration. Those who would remain in the community must observe a complete Sabbath; must have the right attitude of repentance and submission to YHWH; and, through these are eligible for atonement. It is in this context that the Year of Jubilee is declared. Through rest, humility, and atonement, the community is restored to their right relationship with YHWH, and only those who are faithful to the Day of Atonement and to YHWH remain within the community. Every fifty years, this restoration moves beyond the restoration between God and people, as YHWH’s lordship and ownership over land and people are reaffirmed with a year of a complete sabbath (שַׁבָּת שְׁכָתוֹן), and the people are restored to their original state when YHWH first brought them into the land.

The restoration between God and people in the Day of Atonement is seen even more so in Lev 16. With the language of Lev 16 also seen in Lev 23, it is not surprising that scholars see a connection between the two chapters, whether that Lev 16 serves as the fulcrum not only of Lev, connecting the

priestly law to the Holiness Code<sup>56</sup> or that these similarities represent a direct connection to the Holiness Code. Lev 16:29-33 shifts the focus from the priests who perform the rituals and sanctify themselves, the shrine, the Tent of Meeting, and the people to the people themselves. The responsibility for the Day of Atonement shifts from the priests to the congregation.<sup>57</sup> This focus on the community fits well with Lev 25, where the community declares the Year of Jubilee and the priests are nowhere in sight.<sup>58</sup> The Holiness Code converts the Day of Atonement from a day of ritual in which the people are recipients of the atonement and, perhaps, participants in the event through their presence as the audience,<sup>59</sup> into the responsibility of the community, culminating every 50 years into the economic and social renewal of the people in the land.

The holy rhythms of the nation of Israel, of the holidays commanded by YHWH, is not the only aspect of holy rhythm to which the Year of Jubilee appeals. The Sabbath Year is focused on the land rather than the poor was seen above, but this is also related to the holy rhythms observed by Israel. Lev 25 does not explicitly connect the Sabbath Year to creation, and the issue of creation is not mentioned anywhere in Lev 25, despite the issue of YHWH's lordship and relationship with the land. Despite the silence on this matter in Lev 25, Gen 1 may be connected to the Holiness Code in that it contains themes specific to the Holiness Code: Sabbath-observance, food laws or animal taxonomy, and sacred festivals.<sup>60</sup>

On the Sabbath day, the Sabbath Year, and the Year of Jubilee, the people are required to stop working. For the Holiness Code this is as important a part of the holy rhythm of life as the festivals commanded by YHWH. Like these festivals, they are ordered by YHWH. In the context of the Holiness Code, this sets YHWH not only as the lord over the land and the people but also as being the master over time itself. Mathitiah Tsevat argues that this is a break in the natural flow of time,<sup>61</sup> but its

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<sup>56</sup> Rolf Rendtorff, "Leviticus 16 als Mitte der Tora," 252-58.

<sup>57</sup> Nathan Hays, "The Redactional Reassertion of the Priestly Role," 184.

<sup>58</sup> For further discussion on the role, or lack thereof, of priests in the Year of Jubilee, see Chapter 8, (200).

<sup>59</sup> For a discussion of how audience participate in events including religio-political rituals, see Judith Filitz, *Theophanic Procession and Processional Theophany: Hab 3 and its Historical and Religious Background*.

<sup>60</sup> Bill T. Arnold, "The Holiness Redaction of the Primeval History"; see also his Genesis Commentary, *Genesis*, 30. Edwin Firmage, "Genesis 1 and the Priestly Agenda," 103, argues that what connects Genesis 1:1-2:3 to the Holiness Code is the culmination with the creation of humanity and YHWH's command to the people of Israel to be holy as God is holy. It is through this connection that he sees Genesis 1:1-2:3 establishing the foundation for the food laws and the Sabbath.

<sup>61</sup> Tsevat, "The Basic Meaning of the Biblical Sabbath," 454. I disagree with his assertion that "the sabbatical cycle is indifferent to the harmony of the universe" representing a "neutral structure of time," (457). Instead by being a part of creation itself and observed "to/for YHWH" (לַיהוָה), for the people of Israel it is an important element of the harmony of the universe and YHWH's creation.

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connection to the story of creation itself suggests that it is instead a part of the natural rhythm set in place by God at the very point of creation. By observing this holy rhythm, the people of Israel recognize YHWH's lordship over them, subordinating their autonomy to YHWH by obeying the requirement to rest;<sup>62</sup> the land, and time itself. In observing the Year of Jubilee, the autonomy to buy and sell, their economic autonomy, is suspended as the order initially established by YHWH is restored as YHWH exerts divine control over the people and the land both of which belong to YHWH. Even the fact that the Year of Jubilee is the controlling factor for the terms of sales in the intervening years serves to put time itself under YHWH's lordship. In the Year of Jubilee, the people do not return just to the inauguration of YHWH's people in YHWH's land, but to created order itself.

*In the Context of the Holiness Code*

We have already seen many connections between Lev 25 and the rest of the Holiness Code including the agency of the land, its emphasis on maintaining some form of equality in the midst of the reality of inequality, the exodus event as a motivation, and the use of "I am YHWH, the God of all of you," *אֲנִי יְהוָה אֱלֹהֵיכֶם*. As the penultimate chapter of the Holiness Code, preceding the rewards and punishments of ch. 26, Lev 25 and the Year of Jubilee form the culmination of the Holiness Code. YHWH has brought the children of Israel out of Egypt and to this land, from which YHWH and the land evicted the previous inhabitants. Cultic and sexual laws maintain the purity and holiness of the children of Israel as the people for whom YHWH is God, and the consequence of transgressing these laws is expulsion either through an explicit death penalty or being cut off from the people. With all that established, it is the Year of Jubilee that addresses what it means to be the people YHWH has claimed.

There is no threat of expulsion in Lev. 25 and no declaration that the people are to respond to YHWH's holiness with their own, though they do consecrate the Year of Jubilee. Instead, the people are the slaves of YHWH (vv. 42 and 55), and YHWH reminds them that YHWH gives them the land (vv. 2 and 38) but that it is ultimately YHWH's (v. 23). The land YHWH grants to the children of Israel, YHWH's servants, is "temple land."<sup>63</sup> This is the goal of the Holiness Code's program, for YHWH to give YHWH's slaves, kept pure through obedience to YHWH's laws and observance to YHWH's festivals, YHWH's land and to promise them security and sustenance in the land, while guaranteeing that each of the children

<sup>62</sup> Tsevat, "The Basic Meaning of the Biblical Sabbath," 455. Counter this, Robinson, "The Idea of Rest," 39, understands the seventh day in Gen 2:2-3 to be a day of completion and perfection rather than rest. He does not contest the idea that this is understood as the theological foundation for the concept of the 7<sup>th</sup> day rhythm.

<sup>63</sup> Joosten, 190.

of Israel will have a permanent share in that security and sustenance.<sup>64</sup> The economic and social justice of the Year of Jubilee is the mechanism for that guarantee and the ultimate expression of YHWH's relationship to both land and people.

## Conclusion

The Holiness Code does not describe how YHWH distributed the land among the children of Israel upon them entering the land. Presumably, upon entering the land, everyone began on an equal footing as YHWH's people in YHWH's land. Within the narrative context of the Holiness Code, they have not yet entered the land that YHWH is giving to them. The inaugural year is yet to come, and the promise to each family of the blessing of the land and YHWH's provision is one of a future filled with hope. From this perspective, the first year is a starting point in which each family has the equal possibility to prosper after acknowledging YHWH's lordship over them and over the land by allowing the land to observe a Sabbath Year. This land is not just meant to provide the same starting point for each family, but it is an inalienable portion, their promise for provision from their God, not just for the nation as a whole but for each individual family and their descendants for generations to come. For Lev 25, this is not just an ideal but the very will of YHWH, the God of all of them. This is the reason that YHWH brought them out of Egypt, to give them the land of Canaan and to be their God.

The Jubilee reestablishes this initial divine order. Each Israelite returns to their patrimony, the portion of land granted to them by YHWH, the king and ultimate owner of the land. Those who were impoverished, who sold their land to survive, who were forced to work as tenant farmers while others controlled their land and profited from its produce, or who were sold either to other Israelites or to non-Israelites, get a fresh start. They are no longer impoverished but are once again able to work for themselves, to support themselves and their families on their own land. The Jubilee does not, indeed cannot, reset the children of Israel to complete equality; those who profited between Jubilees do not lose that profit. While they no longer have control over the acquired land or their not-slaves, this is not a complete redistribution of wealth. So, while the privileged do not lose all their accrued advantage,<sup>65</sup> the

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<sup>64</sup> See Fager, *Land Tenure and the Biblical Jubilee: Unconverging Hebrew Ethics through the Sociology of Knowledge*, 116; Jean-François Lefebvre, *Le jubilé biblique: Lv 25 – exégèse et théologie*, 386.

<sup>65</sup> While not addressed explicitly, the ones who do lose all their gained advantage as a result of the Jubilee are the resident aliens. The land, after all, has been given by YHWH to the children of Israel, and at the Jubilee that land is given again by the directive of YHWH to the children of Israel. It does not, and never did, belong to the resident alien. However it is that the resident alien prospered before, the land now reverts to the Israelites who hold the patrimony and the resident aliens are once again landless. Those who worked for them, who supported their prosperity as impoverished Israelites who were "not slaves," no longer work for them, though they keep whatever

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formerly impoverished are restored to a position where they are less disadvantaged than they were and from which they might build.

Through this renewal of the divine order, YHWH reasserts ultimate control over YHWH's land, over the people as YHWH's slaves, and over time. The Year of Jubilee is an act of social justice, a crucial act of providing for the well-being of YHWH's people, and assuring social stability. Yet it is more than an economic basis for the stability of Israel's economy. It asserts more than YHWH's lordship over a specific land and people but over also the universality of time. In centering the Year of Jubilee as a culmination of the sacred rhythm, set after the seventh Sabbath Year, proclaimed at the Day of Atonement, the people do not only return to their original patrimonies and the inaugural order at the beginning as YHWH's people in YHWH's land. Instead, as the center of creation, the land, with its unique relationship to YHWH, and the people whom YHWH purchased, celebrate a return to the right order of creation. On the Day of Atonement, when the people are purified before YHWH, when the Lord's Jubilee is proclaimed, in Israel all is once again, "very good."

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non-Israelite slaves they owned. Once again, the particularity of Lev 25 focuses exclusively on the children of Israel, even to the disenfranchising of the non-Israelites.

## Chapter 7: The *Šemittah* Year and Law of Slave Release in Deuteronomy 15:1-18

### Introduction

Deuteronomy 15:1-18 contains two separate laws that have been connected by a septennial cycle, the idea of social and economic justice, and a return to a more just community. The first law, Deut 15:1-11, is the *Šemittah* Year, a year of universal debt-forgiveness, at least within the community of Israel, and Deut 15:12-18 is the Law of Slave Release, which may, in many ways, seem to be the most just of the biblical slave laws. Unlike the *Šemittah* Year, the Law of Slave Release does not set a universal year for manumission but rather an established tenure for slavery: 6 years. Deuteronomy does not try to blend these two laws into one, but they are bound together due both to literary themes and their theological and ideological expressions.

The law concerning the *Šemittah* Year and the Law of Slave release occur between two laws dealing with the communal enjoyment of the tithe (Deut 14:22-29) and firstlings (Deut 15:19-23). As such, they are a part of a short series of laws dealing with agricultural economics and the community. The generosity required by these laws and the connection of the *Šemittah* Year to the reading of the law in Deut 31 puts the generosity and restoration of the community at the joyful center of the law and right relationship between Israel and YHWH. By recasting the clean-slate traditions of the ancient Near East into the theological core of Deuteronomy and centering it in the actions of the community, Deuteronomy invites the people of Israel to be active participants in YHWH's continuing work of blessing.

### *Šemittah*

In Deut 15, the term we might expect to describe the 7<sup>th</sup> year, שְׁבִעִת, “Sabbath,” is never used. Instead the 7<sup>th</sup> year is described as שְׁנַת הַשְּׁמִטָּה, “the year of release/remission” or “the *Šemittah* Year” (v. 9). Derived from the verb שָׁמַט, (“let drop, release”), the noun occurs only in Deuteronomy



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and only once outside of Deut 15. In Deut 31:10, the year of remission is referred to in order to establish the time for the reading of the Torah to all of Israel:<sup>1</sup>

Moses commanded them: "Every seventh year, **in the appointed year of remission** (שְׁנַת הַשְּׁמִטָּה), during the festival of booths, when all Israel comes to appear before YHWH your God at the place that God will choose, you shall read this law before all Israel in their hearing. Assemble the people-- men, women, and children, as well as the sojourners residing in your towns-- so that they may hear and learn to fear YHWH your God and to observe all the words of this law, and so that their children, who have not known it, may hear and learn to fear YHWH your God, as long as you live in the land that you are crossing over the Jordan to possess." (Deut 31:10-13)

It would be enough to set the reading of the law in the 7<sup>th</sup> year, but Deut 31 not only reminds the audience that that is also the Šemittah Year but also emphasizes that the Šemittah Year is an appointed occurrence, set by YHWH. It should be noted that the 7<sup>th</sup> year is described the same way in both contexts, מִקֵּץ שִׁבְעַת שָׁנִים, ("at the end of seven years" or "every seventh year").<sup>2</sup>

Commenting on the rareness of the verb שָׁמַט and its use in Exod 23:10-11, Ian Cairns suggests that it "is likely a technical term, which in early times applied in the agricultural setting and in later times was adapted to an urban and commercial economy."<sup>3</sup> This can be seen in the progression of the use of the verb שָׁמַט, "let drop, fall," from the Covenant Code to Deuteronomy. Exod 23:10 could be translated:

And the seventh [year], you should let it fall (הַשְּׁמִטָּה) and leave it, and the needy of your people shall eat, and the remainder the beasts of the field shall eat, and thus you shall do with your vineyard and your olive orchard.

Deut 15:2 also uses the verb to define the Šemittah Year, but not of leaving the land fallow as in Exod 23 but rather of releasing, or dropping, a loan:

<sup>1</sup> For a discussion on the relevance of the Šemittah Year in Deut 31, see below.

<sup>2</sup> S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 174, drawing upon the usage in Deut 31:10 and Jer 34:14, argues that this should best be understood as "when the seventh year has arrived" rather than at the end of the seventh year.<sup>2</sup> Likewise, Jack R. Lundbom, *Deuteronomy: a Commentary* 486, says that the LXX supports Driver's view though Maimonides takes it to mean "at sunset on the last day of the seventh year."

Like Deut 15:9, Deut 31:10 refers to the year as a whole as the Šemittah Year, and the Festival of Booths occurs closer to the middle of the year than either the beginning or the end. Though Deut 31:10-13 connects reading of the Torah to the Šemittah Year, there is nothing that says that the Šemittah itself occurs at the same moment as the reading of the Torah.

The interpretation that this refers to the beginning of the seventh-year accords most closely with the release of the slave after six years of service in v. 12, this meaning seems to be the most likely.

<sup>3</sup> Ian Cairns, *Word and Presence: A Commentary on the Book of Deuteronomy*, 146.

And this is the manner of the Šemittah: every creditor shall drop (שָׁמַח) the loan of his hand which he has loaned his neighbor; he shall not press his neighbor or his kinsperson, for he has proclaimed YHWH's Šemittah.

By referring to the 7<sup>th</sup> year as the Šemittah Year, Deut 15 connects it to the Fallow Year of Exod 23, but the emphasis has moved from agricultural work, or the cessation thereof, to the remission, or dropping, of debts, and the author Deut 15 has not missed the opportunity for wordplay.<sup>4</sup>

## Debates

### *Debt Forgiveness or Deferment*

The question of what it means to release a loan may, at first glance, seem obvious. However, scholars do not all agree on whether debts are forgiven or merely deferred in the Šemittah Year. Some suggest that it would be economically unfeasible for debts to be forgiven entirely every seven years. The kind of generosity necessary to be able to make such a loan would limit it to the very rich and reduce the ability of Israelites to help one another. The text is not unaware of this potential problem, so would it need to address this issue if it were merely that the creditor was to not collect on the debt until the year after the Šemittah Year?

While the Sabbath is never mentioned in Deut 15:1-11, with the Šemittah Year being connected to the fallow year of Exod 23 and the seven-year cycle is undeniably connected to the idea of Sabbath, even if this cycle only became associated with the Sabbath later, in the exilic period. Perhaps this Sabbath rhythm, six days of work and rest on the seventh, provides the rationale for an interpretation that the Šemittah is meant to be a temporary hold on the collection of the debt. Just as work ceases on the Sabbath day but resumes on the next day, the loan stops “working” during the Šemittah Year, as the creditor cannot collect on the loan, neither the principal nor interest, in the seventh year but can resume the following year. This is why S.R. Driver suggests that the Šemittah year parallels the fallow year in Exod 23:10-12 such that “money, like land, was to be unproductive every seventh year.”<sup>5</sup>

On the other hand, the text itself anticipates this economic concern:

<sup>4</sup> According to Moshe Weinfeld, “Sabbatical Year and Jubilee in the Pentateuchal Laws and their Ancient Near Eastern Background,” the Akkadian term *nadû* is used both in the expression *aḥam nadû*, “to loosen the hand,” to express “abandoning” and not collecting a debt as well as in *qaqqaram/eqlam nadû* regarding fallowing a field (48).

<sup>5</sup> Driver, *A Critical and Exegetical Commentary*, 179-180. It must be noted that Driver seems to understand the loans being discussed in Deut 15:1-11 as being commercial loans rather than subsistence agricultural loans. He does note that the passage does nothing to clarify that the reference here is specifically to interest. See also Udo Rüterswörden, *Das Buch Deuteronomium*, 96.

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Guard yourself, lest there be a worthless thought in your heart saying, “The seventh year, the year of remission approaches,” and your eye be evil against your needy kin, and you do not give anything to them so that they cry against you to YHWH and you incur guilt. You shall give to them freely, and your heart shall not be grieved when you give to them; for on account of this matter, YHWH your God will bless you in all your deeds and in all that you put your hand to. (Deut 15:9-10)

It is not difficult to imagine that this warning would be necessary even if the loan was only deferred for a year. An individual might be wary of giving a neighbor a loan in the 6<sup>th</sup> year, knowing that they would not be paid back until the 8<sup>th</sup> year. For families with a limited surplus, giving with a delayed repayment could put them in danger of falling into need themselves should they have a shortfall in the intervening time. The text does not seem to entertain the possibility that the lack of generosity is due to limited resources but rather a worthless thought. Both the NRSV and JPS translate בְּלִיעַל as “mean,” indicating that this base thought is more than just about not being able to afford to do so but a refusal to help due to selfish, even miserly reasons. This is further supported by the phrase וְרָעָה עֵינֶיךָ בְּאָחִיךָ, הָאֶבְיֹן, “and your eye be evil against your needy kin.” While v. 10 does provide assurance that generosity will result in YHWH’s blessing, the warning seems to be against selfishness rather than wariness about one’s own sustainability. There is no question of “how shall we eat,” no indication of economic anxiety that YHWH’s blessing soothes.

A thing that is dropped can be picked up, but if the prohibition against charging fellow Israelites interest in Deut 23:19-20(20-21) applies here, these are not loans that do the kind of work that Driver proposes, accruing interest and growing. These are subsistence loans and interest-free. There is no question that a year in which an individual does not have to make payments would be a financial boon to the indebted, but it seems more likely that the text means for the act of remission to be debt-forgiveness. The idea of complete and permanent debt forgiveness is further supported by the Mesopotamian practice as seen in the Edict of Ammišaduqa which requires that the tablet be broken, destroying the loan document and the evidence of there being any debt.<sup>6</sup> Every seven years, the needy in the land get a fresh start. The worthless thought of v. 9 is not that the repayment will be delayed, but that it is a gift rather than a loan. The assurance of v. 10 is that YHWH will be the one who repays the generous giver; in fact, it is a promise of profit just through the blessing of YHWH rather than the potential increase of land or labor should the debtor default.

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<sup>6</sup> Weinfeld, “Sabbatical Year and Jubilee,” 52.

*Same or Double Work in v. 18*

At the end of the Law of Slave Release, the master who has granted the slave their freedom and generously provided for them upon their release is commanded not to view these requirements as a hardship. The Deuteronomist provides two justifications for not having a bad attitude about obeying these commands. As with the preceding Šemittah Year, the emancipator is assured of YHWH's blessing in everything they do. The statement כִּי מִשְׁנֶה שְׂכָר שְׂכִיר עֲבָדְךָ שֵׁשׁ שָׁנִים, "for the same/double as the hire of the hired laborer they worked for you six years," raises the question of the meaning מִשְׁנֶה, whether it means "the same as" or "double."

Though derived from שְׁנַיִם, the Hebrew word for the number 2, Matitahu Tsevet argues that מִשְׁנֶה means "equivalent, duplicate" (cf. Gen 43:12, 15; Exod 16:5, 22; Deut 17:18; Josh 8:22) in the Hebrew Bible more often than it does "double" (cf. Isa 61:7; Job 42:12). He further argues that "twice as much" would fail as a reason to not be grieved about sending a slave away free and richly furnished because, as a clear exaggeration, it would cause the owner to "come to mistrust the reason and intention of the law with adverse consequences for the slave."<sup>7</sup> This could result in masters mistreating Hebrew slaves in order to make sure that they get their promised value from them or if they feel cheated believing that they would not receive the appropriate amount of work out of the Hebrew slave as the end of their tenure approached. The master might choose to take out the difference in the commanded provisioning at the time of release, or they might attempt to subvert the manumission itself.

Counter this, James M. Lindenberger argues that it is "twice as much" and refers to "a harsh but self-evident fact: you get more work for less pay from a slave than from an employee!"<sup>8</sup> This translation is the one supported by BDB as well as JPS. If the assertion that a slave works twice as hard as a hired hand is accurate, then indeed, there is no reason for the master to begrudge the Hebrew slave their freedom. Of course, such an advantage from the labor of the slave over the hired hand might create the temptation for the master to keep the slave rather than to grant them their freedom; after all, they represent cheaper and more productive labor. It could also provide an incentive to be less willing to let

<sup>7</sup> Matitahu Tsevet, "The Hebrew Slave According to Deuteronomy 15:12-18: His Lot and the Value of His Work, with Special Attention to the Meaning of מִשְׁנֶה," 591, 595. It should be noted that the passages that he cites as meaning "copy, equivalent" are agreed upon by translations and others to mean "copy" rather than "double." For example, in Exod 16:22, that the people gathered double the amount of manna is the easiest reading

<sup>8</sup> James M. Lindenberger, "How Much for a Hebrew Slave? The Meaning of *Mišneh* in Deut 15:18" 482.

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loans drop in the Šemittah Year, since, as was seen in ch. 2, loans were often seen as tools to gain land or labor as creditors relied on defaults.

Following LXX and the Vulgate, the NRSV uses the “same as” reading: “because for six years they have given you services worth the wages of hired laborers” (Deut 15:18, NRSV). This reading, in line with Tsevet, still states that the master gets more than their money worth for the Hebrew slave. The daily provisions for a slave would be less than the pay of a hired hand, and even if the slave only does the same amount of work as the hired hand, the master profits more from their work. That the slave works the equivalent, or copy, of the work of the hired hand is supported by the one other use of מִשְׁנֶה in Deut 17:18, in which the king is ordered to write a copy of the Torah. The work of the less expensive slave would be an equivalent copy of the work of a hired worker and be more profitable for the master than the same work by a hired worker.

Whether the Hebrew slave has worked a copy or equivalent of the work of a hired laborer or provided double the labor, the point of this motivational clause is clear. Because the master has gotten their money’s worth, with more benefit than they would from a hired laborer, the master has no grounds to begrudge the slave their freedom.<sup>9</sup> Yet v. 18 also recognizes the possibility that this assurance may not be grounds enough to prevent the master from feeling put out by the requirement. For this reason, v. 18 also assures the emancipator that if they grant the Hebrew slave their freedom, then YHWH will bless them in everything that they do. Not only has the slave benefited the master over their six-year tenure, but YHWH will also continue to bless them if they obey. Again, Deut 15 promises profit to the economically privileged who obey the law and pass the blessing along to the poor.

### Structure

The Šemittah Year and the Year of Slave Release are two separate laws joined together by the ideas of economic justice that include generosity and by the significance of the 7<sup>th</sup> year. The 7<sup>th</sup> year unquestionably connects the two laws, and yet it does not mean the same thing for both laws. As was discussed above in the meaning and use of the term šemittah (שְׁמִטָּה) in Deut 15:1-11, the Šemittah Year is an established year, a universal year that applies to all of the people of Israel and includes not just debt relief but also a convocation for the reading of the Torah. The 7<sup>th</sup> year in the Law of Slave

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<sup>9</sup> Relevant to this question, Zipporah G. Glass “Land, Slave Labor and Law: Engaging Ancient Israel’s Economy,” argues that the manumission of slaves is less about economic justice, providing a more cynical view that “it would have served to enlarge the pool of free labor available for hire, and have negated the cost of maintaining slave labor when the cost of the latter exceeded the cost of the former” (38).

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Release in Deut 15:12-18 has a different, perhaps even opposite meaning. For the Year of Slave Release, the 7<sup>th</sup> year is individual, following a set term of 6 years.

The Law of Slave Release says:

If your kinsperson is sold to you, a Hebrew man or a Hebrew woman, they shall work for you six years, and in the seventh year, you shall send them away free from with you. (Deut 15:12)

While the Šemittah Year allows for terms of repayment ranging from one to six years,<sup>10</sup> assuming that no debts can be incurred during the Šemittah Year, the Law of Slave Release sets a single tenure for Hebrew slaves: 6 years.<sup>11</sup> This difference between the treatment of the 7<sup>th</sup> year means that it is essential that the two laws be considered as distinct laws. Unlike the Sabbath Year and the Year of Jubilee in Lev 25, there is no direct calendrical connection between the two laws. Through the theme of the 7<sup>th</sup> year, as well as the following structural elements and shared themes, though distinct laws, it is appropriate to consider them together.

Key elements between the two laws create a parallel structure. Both regulations contain an introduction that establishes the law, a motivational section, a caveat,<sup>12</sup> and a conclusion that warns against viewing the law as a hardship and promises YHWH's blessings. As with the 7<sup>th</sup> year, the similarities that connect them also contain differences that maintain their distinctiveness. The motivation of the Šemittah Year regulation is a conditional promise while the Law of Slave Release has a reminder of YHWH's actions in ransoming Israel from Egypt. Deuteronomy 15:1-18 can be outlined as follows:

- I. The Šemittah Year/Year of Remission: 1-11
  - a. Introduction 1-3
  - b. Motivation — Conditional Promise: 4-6
  - c. Caveat: 7-8
  - d. Warning and Exhortation: 9-11
- II. Seventh Year Release: 12-18
  - a. Introduction: 12-14
  - b. Motivation — Reminder: 15
  - c. Caveat: 16-17
  - d. Warning and Exhortation: 18

<sup>10</sup> While the text does allow for longer terms of repayment, it is most likely that debts were due within a year.

<sup>11</sup> As was seen in ch. 5, the conflation of these two 7<sup>th</sup> years can be seen already in Jer 34.

<sup>12</sup> As will be seen below, the caveat of the Šemittah Year in vv. 7-8 is not entirely separate from the Warning and Exhortation of vv. 9-11.

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A form of a phrase characteristic of Deuteronomy, “which I command you today” (אֲשֶׁר אֲנִי הַיּוֹם) (מִצְוַת הַיּוֹם)<sup>13</sup> is found in both motivational sections. In vv. 4-6, this phrase is the condition upon which the promise of the motivation depends, “if you will only diligently obey the voice of YHWH your God to observe to do this entire commandment which I command you today” (אֲשֶׁר אֲנִי מְצַוְךָ הַיּוֹם) (v. 5). In contrast, in v. 15 the reminder of the exodus event is the reason for the commandment, “Remember that you were a slave in the land of Egypt and YHWH your God ransomed you; thus, I command you in this matter today” (עַל־כֵּן אֲנִי מְצַוְךָ אֶת־הַדְּבָר הַזֶּה הַיּוֹם). The purpose of both these statements is to provide the motivation for following their respective laws, and the thematic differences are appropriate to these laws. In vv. 4-6, the motivation for caring for the needy among you—your neighbor or your kin—is the financial blessings that YHWH grants to Israel “in the land which YHWH your God gives to you as an inheritance to possess” (v. 4). The gift of the land and the promise of economic blessing are a logical basis for forgiving loans and being generous to those “in any of your gates in your land which YHWH your God gives to you” (v. 7) by providing a way to compensate the giver for their financial loss. That the motivation for sending slaves away free is all of Israel’s shared experience of having been slaves in Egypt and YHWH’s act of having ransomed them is fitting. Because YHWH freed them, they are to free their kin. It should be noted that the language here, unlike in Lev 25, is not that of purchase but of ransom and redemption and that the reminder of freedom includes the memory of the experience of the slavery itself.

The caveats do not have much in common linguistically beyond the use of the conditional (כִּי) and the “to be” verb, but both present hypothetical situations that contradict that which has come before (כִּי־יִהְיֶה “If there be” and וְהָיָה כִּי־יֹאמַר אֵלֶיךָ “But it shall be if they say to you”). These sections acknowledge that there will be exceptions to what came before, whether the promise that there will not be any needy or the requirement to release all Hebrew slaves. By addressing these exceptions, the laws are strengthened as no room is allowed for excuses or further “what if”s.

In the case of the Šemittah Year, it is not the commandment that is contradicted but the conditional promise of vv. 4-6 itself. In v. 4, YHWH promises that the blessing of YHWH will be so great that there will not be any poor among the people of Israel; however, v. 7 describes what must do done when there are needy among “your kin.” If the promise of vv. 4-6 were to be perfectly fulfilled, the commandment to lend to needy kin would not be necessary as there would be no one in need. Neither

<sup>13</sup> See: Deut 4:40; 6:6; 7:11; 8:1, 11; 10:13; 11:8, 13, 27, 28; etc.

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would the law of vv. 1-3 to forgive debts be needed, as no one would have to take out subsistence loans to get them through difficult times. This contrast, found both in the caveat and the warning and exhortation that follows, can be seen to contradict the promise directly. It instead provides a valuable theological insight into the Šemittah Year and Deuteronomy and will be discussed more fully below.

While the Law of Slave Release is presented as an absolute, applying to both male and female slaves and with provisions to prevent the released slave from returning to the condition of slavery, vv. 16-17 present the situation in which a slave expresses a desire to remain a slave. Here it is not the promise that is contradicted but the law itself. The caveat does not allow for the master to make the decision or to manipulate the slave, but rather for the Hebrew slave, male or female, to decide that, despite the provisioning of vv. 13-14, they are better off remaining as a slave. The caveat does not contradict the requirement of the master to release their slave but allows the slave the option to remain enslaved. Undoubtedly, this caveat could lead to abuse, but the law allows the Hebrew slave to make an informed decision free of the manipulative elements found in Exod 21:2-11, though the piercing of the ear makes this a permanent and irreversible decision.

Both the Šemittah Year and the Law of Slave Release end with a reassurance that the law is not a hardship by reassuring the creditors and slave owners that YHWH will bless them: “YHWH your God will bless you in all your work and in all that you put your hand to” (יְבָרְכֶךָ יְהוָה אֱלֹהֶיךָ בְּכָל־) (v. 10) and “YHWH your God will bless all that you do” (יְבָרְכֶךָ יְהוָה ) (v. 18). These promises of blessing more than counter the economic difficulty that the one who obeys the law to forgive the loan or to send the Hebrew slave away free from them might experience by these actions and which could give them the motivation to disobey.

The Šemittah Year law acknowledges that being required to forgive loans at a set year rather than after a set term as with the Year of Slave Release could prevent creditors from making the necessary loans. For this reason, it explicitly warns against such behavior on the part of those with means and repeatedly calls on them to not be reluctant regarding this requirement. Using bodily metaphors, vv. 9-10 describe this attitude as wicked or worthless: הִשְׁמַר לְךָ פֶּן־יִהְיֶה דָּבָר עִם־ לְבָבְךָ בְּלִיעַל וְרָעָה עֵינֶיךָ “Guard yourself, lest there be a worthless thought in your heart” (v. 9); “and your eye be evil” (v. 9); and וְלֹא־יִרַע לְבָבְךָ “and your heart shall not be grieved” (v. 10). When



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these attitudes lead to the withholding of necessary help, the kinsperson in need will cry out to YHWH, and the refusal to give the needed loan will be counted as sin (חַטָּא).<sup>14</sup>

The warning to masters in v. 18 is shorter than that of the Šemittah Year. Rather than a condemnation of the negative attitude, the law acknowledges that it could be considered a hardship or perhaps fuel resentment. There is no consideration that the master's attitude could lead to disobedience and sinfulness, and so there is no warning that the individual will cry out to YHWH but an admonition that the owner has already received proper compensation and has no grounds for complaint. Unlike with the preceding forgiveness of a debt, the master should not consider themselves to have been shorted but should accept that they have more than sufficiently profited. Here too, the warning against resentment regarding releasing and provisioning Hebrew slaves also uses a bodily metaphor, לֹא־יִקְשָׁה בְּעֵינֶיךָ “It shall not be hard in your eyes” (v. 18).

The two laws share a basic structure, though the laws themselves are different. While this structural consistency ties them together, the structure also functions differently for each law.

### *The Šemittah Year (15:1-11)*

As seen above, the law regarding the Šemittah Year includes an introduction (vv. 1-3), motivation (vv. 4-6), a caveat (vv. 7-8), and a closing warning and exhortation (vv. 9-11). The caveat and the closing warning and exhortation are tightly bound together in the Šemittah regulation, containing the question of needy among the people of Israel. Though both these sections seem to put the lie to the promise of v. 4 that there will be no one needy among the people, the flow of the Šemittah regulation is quite natural and this contradiction is not an admission that YHWH is incapable of keeping the promise but rather an invitation to the people of Israel.

There are seams in this passage. The introduction begins in the third person masculine singular but switches to the second person in verse three and remains so for the remainder not just of the Šemittah law but throughout the rest of both the Šemittah Year and the following Law of Slave Release. Verse two begins by referring to the neighbor (אֲשֶׁר יֵשֶׁה בְּרֵעֲהוֹ) “that they have lent to their neighbor”). Following this, in 2b, the passage turns to the label of “kin, brother” through a syndetic use tying the term “neighbor” and “kin” together (וְאֶת־רֵעֵהוּ וְאֶת־אָחִיו) “they shall not press their

<sup>14</sup> For a discussion of חַטָּא in Deut and specifically in the Šemittah Year, see below.

neighbor or their kin"). Throughout the rest of the law of the *Šemittah* Year and the Law of Slave release, **לֹא** is used.

Another shift occurs in v. 6 within the conditional promise. In the introduction, v. 3 clarifies that the *Šemittah* Year only applies to Israelites, but v. 6 broadens this statement beyond the question of the needy among the Israelites and the forgiveness of loans. Beginning with a restatement of the promise that YHWH will bless Israel, v. 6 moves the focus from internal economics to international finances:

For YHWH your God will bless as God has promised you, and you shall lend to many nations, but you shall not borrow, and you shall rule over many nations, but they shall not rule over you.

This verse does deal with the issue of loans and borrowing, and the context is not as entirely different as it first appears. This promise does not connect directly to the initial promise of v. 4 or the references to that promise in vv. 7 and 11 that there shall be no needy among the people of Israel. Instead it moves from the claim that there shall be no one in need to the idea that the entire nation shall prosper to the point of being able to be a creditor to other nations; the whole of Israel will be the privileged wealthy. With no needy among the Israelites, they can turn their focus to lending to the nations surrounding them. The promise of international solvency and dominance is an expansion of the promise of individual solvency and provides additional justification for collecting interest from foreigners.<sup>15</sup>

The conditional promise that serves as the motivation for the *Šemittah* Year begins with a promise that there will be no needy among the people of Israel. This promise begins with **אֲפֹס כִּי** ("except"), suggesting that the law is not necessary because there will be no one who is needy and needs to borrow to meet their subsistence requirements. While the introduction provides no reason for why the kin might need to take out a loan, this strongly suggests that these are subsistence loans. Commercial loans would not depend on whether a person was in need and in fact, would likely require someone to have already met their basic needs. Admittedly, the reasoning of the promise is somewhat circular: there shall be no needy because YHWH will bless you if you follow the command to forgive the loans taken out by your needy kin. This is the problem that is acknowledged and addressed in the caveat and in the final exhortation.

This question of the presence of the needy among the Israelites becomes the framework for the rest of the section.

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<sup>15</sup> Lundbom, *Deuteronomy*, 480, argues that vv. 4-6 are a digression as indicated by an *inclusio* regarding YHWH's blessing in v. 4 and the beginning of v. 6. He does not indicate how that digression extends to the promise of international solvency and dominance. Nor is his argument that this is a digression, which he does not expand upon, necessary to explain its place in the text. Otto also argues for an *inclusio* between 4b and 6a with 6b having been attached onto the frame.

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v. 4 אָפֶס כִּי לֹא יִהְיֶה-בָּךְ אֲבִיּוֹן

Except that there shall be no poor among you

v. 7 כִּי־יִהְיֶה בָּךְ אֲבִיּוֹן מֵאַחַד אַחֶיךָ בְּאַחַד שְׁעָרֶיךָ בְּאַרְצֶךָ

If there be among you any needy, one of your kin in any of your gates in your land,

v. 11 כִּי לֹא־יִחַדֵּל אֲבִיּוֹן מִקֶּרֶב הָאָרֶץ

For needy will never cease to be in the land

The caveat begins with the possibility that there will be needy, but the exhortation ends with the assertion that the needy will always be there, or more accurately that there will never not be any needy persons among them. For this reason, both the caveat and the warning and exhortation within 1-11, separated for purposes of the structure of the whole, are also united with the presence of the needy (אֲבִיּוֹן) serving as a frame.

The use of bodily terms is another theme that flows throughout vv. 1-11, though it is missing in the promise. In v. 7, the metaphor of the hand from v. 3 returns and that of the heart is introduced. This language continues throughout the remainder of the *Šemittah* Year legislation:

Hand	
v. 3: Introduction	
תִּשְׁמַט יָדְךָ	Your hand shall release
v. 7-8: Caveat	
כִּי־תִפְתַּח וְלֹא תִקְפֹּץ אֶת־יָדְךָ מֵאֶחֶיךָ הָאֲבִיּוֹן: תִּפְתַּח אֶת־יָדְךָ לּוֹ	And do not close your hand against your needy kinsperson. For you shall surely open your hand to them.
v. 11: Warning and Exhortation	
פָּתַח תִּפְתַּח אֶת־יָדְךָ לְאֶחֶיךָ לְעֹנִיךָ וּלְאֲבִינֶךָ בְּאַרְצֶךָ	you shall surely open your hand to your kin, to your poor, and to your needy in your land.
Heart	
v. 7: Caveat	
לֹא תִאָּמֵץ אֶת־לִבְּךָ	do not harden your heart
vv. 9, 10: Warning and Exhortation	

פֶּן־יִהְיֶה דָּבָר עִם־לִבְכֶּךָ בְּלִיעַל	lest there be a wicked thought in your heart
וְלֹא־יֵרַע לִבְכֶּךָ בְּתַתֶּנָּה לָוִי	and your heart shall not be grieved when you give to them

The use of the heart and hand imagery, along with the addition of the eye in v. 9, which connects the Šemittah Year and the Law of Slave Release (v. 18), serves as through-line, connecting the commands to release debts, to give generously, and against refusing to give aid due to the closeness of the Šemittah Year.

The caveat and the closing warning and exhortation are connected by more than the use of bodily metaphors. As Observed by Eckart Otto, vv. 7-10 exhibit a chiastic structure:

- a v. 7a      פֶּן־sentence
- b v. 7b      Prohibitive with לֹא
- c v. 8      Injunctive + Infinitive Absolute (x2)<sup>16</sup>
- d v. 9      Imperative
- c' v. 10a    Injunctive + Infinitive Absolute
- b' v. 10a    Prohibitive with לֹא
- a' v. 10b    פֶּן־sentence<sup>17</sup>

This structure in the caveat/warning and exhortation section of vv. 1-11 puts the emphasis on the imperative of v. 9.<sup>18</sup> It is here that the law anticipates the problem with the Šemittah Year, the tendency for creditors to withhold subsistence loans due to the brief period of time between the loan and the forgiveness of the loan. Generosity is not to be circumvented by the potential financial loss due to the Šemittah Year, and that is the central point vv. 7-11. YHWH will certainly bless the people, to the point of there being no needy and the entire nation prospering so much that they become creditors for the nations around them but only if they join in YHWH's actions and give to the needy generously, even when the Šemittah Year approaches, and that generosity seems to be against their own best interests. Rather than viewing the forgiveness of the loan "meanly," they should see it as an invitation.

<sup>16</sup> The infinitive absolute is characteristic of 1-11, occurring 6 times, but is used only once in 12-18.

<sup>17</sup> Eckart Otto, *Deuteronomium 12-34: Erster Teilband: 12,1-23,15*, 1357.

<sup>18</sup> According to Jeffries M. Hamilton, *Social Justice and Deuteronomy: The Case of Deuteronomy 15*, the concentration of infinitives in Deut 15, unparalleled in the rest of Deuteronomy, demonstrates "the great weight which is being placed on Dtn 15" (13).

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*The Law of Slave Release (15:12-18)*

The structure of the Law of Slave Release in vv. 12-18 is far more straightforward and less nuanced than 1-11. This simplicity does not mean that there are no structuring elements. The requirement to send out the slave (שְׁלַחְנוּ חֶפְשִׁי מֵעִמָּךְ (v. 12) and וְכִי־תִשְׁלַחְנוּ חֶפְשִׁי מֵעִמָּךְ (v. 13)) is echoed in the warning and exhortation (בְּשִׁלְחְךָ אֹתוֹ חֶפְשִׁי מֵעִמָּךְ (v. 18)). Both the introduction and the warning and exhortation also reference YHWH's blessing. In v. 14, the master is to "richly furnish" the released slave from that with which YHWH has blessed them, and in v. 18 YHWH's blessing in all that they do is the promise for obeying the law:

You shall surely richly furnish them from your flock and from your threshing floor and from your winepress; of which YHWH your God blesses you, you shall give them. (v. 14)

and

It shall not be hard in your eyes when you send them away from you free, for the same as the hire of the hired laborer they worked for you six years, and YHWH your God will bless you in all that you do. (v. 18)

Though there is no question regarding the unity of this section, the warning and exhortation echoing the introduction creates a neat conclusion and firmly roots the caveat within the law.

As mentioned, the flow of the Law of Slave Release is relatively direct. In vv. 12-14, the release of Hebrew slaves, both male and female, is commanded. The reminder of Israel's experience of slavery and YHWH's ransoming of them in v. 15 provides the motivational basis for this law. What to do if a slave does not want to be freed is addressed in vv. 16-17, likely an answer to the slave law of Exod 21:5-6. Verse 18 is a rather succinct warning against viewing this law as a hardship and a promise of blessing, alongside the assurance that there has been no economic disadvantage.

The caveat for the Law of Slave Release seems jarring, after all well provisioned and with their family, the former slave is in an advantageous position, and theoretically has a fresh start that should prevent them from returning to the position of servitude. Yet, the caveat is not only held securely within the law by the framework of the introduction and the warning and exhortation but by the emphasis of its application to both male and female slaves as well as how it serves to critique and correct the slave laws of Ex 21.<sup>19</sup> The introduction begins by clearly stating that the sold slave for which the law applies is אֶחֶיד הָעֶבְרִי אוֹ הָעֶבְרִיָּה, "your kin, a Hebrew (man) or a Hebrew woman" (v. 12). While the conclusion of the caveat does not repeat this language verbatim, the law is stated to equally apply to

<sup>19</sup> The relationship of Deut 15:12-18's inclusion of women to the slave law of the Covenant Code in Exod 21:1-11 will be addressed below.

slave women as well: וְאַף לְאִמָּתְךָ תַּעֲשֶׂה-כֵן, “and you will also do the same for your maidservant” (v. 17).

The introduction includes the requirement that masters provision their released slaves. While this is a critique on Exod 21, it also raises a question and may seem to contradict the claim that the structure of this section is straightforward. A richly furnished former slave would, potentially, be able to make a fresh start so that they would at least have a chance to not find themselves back in the same circumstances that resulted in them being sold in the first place. Why then would a slave choose not to go out? In what way are they better off staying as a slave (v. 16)? Likewise, richly furnishing the freed slave could mean that there is some economic disadvantage to the owner in that freeing a slave means that the slave has ultimately caused them more than a hired worker (v. 18). When viewed as a corrective for Exod 21, the structure remains intact, becoming a point by point rebuttal. The law is not merely a slight recasting of Exod 21’s slave laws but intended to bring about a level of economic justice that would disrupt the slavery cycle, with permanent slavery an option that should be a rare exception and freely made.

## Key Issues and Themes

### *Sabbath Rhythm*

Nowhere in either the laws about the Šemittah Year or the Law of Slave Release is the Sabbath mentioned. Nor is there an explicit connection in these laws to a Sabbath fallow as seen in Lev 25. Despite this, Otto rightly observes that the connection between the fallow law of Exodus and the Šemittah year is undeniable, arguing that the Šemittah Year is an expansion of the fallow year of Exod 23:10-12. The fallow year in Exodus is meant to provide help for the poor, but this would not have been enough to provide all of the needs of the poor, especially if it were a universal fallow year as the Šemittah Year is in Deuteronomy. The Deuteronomist revises the law with a new concept that does not abrogate the earlier law.

Die Autoren des deuteronomischen Deuteronomiums unterstreichen den Zusammenhang mit dem Brachejahrgesetz in Ex 23,10-11 dadurch, dass sie das Verb *šmt*, das die Grundbedeutung “loslassen” hat und dessen semantische Konnotation “brach liegen lassen” durch die Parallelisierung mit *ntš* “verlassen, preisgeben” in Ex 23,11 bestätigt ist, in Dtn 15,2-3 verwenden, obwohl das Lexem *ʿzb* zur Bezeichnung des Erlassens von Schulden näher gelegen hätte, wie Neh 5,10 “erlassen wir diese Schuld *naʿazbāh-nāʿæt hammaššāʾ hazzæh*” zeigt.<sup>20</sup>

<sup>20</sup> Otto, *Deuteronomium 12-34*, 1339.

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Even though the Šemittah Year is never identified as a Sabbath, it establishes a set rhythm within the community of Israel, putting the emphasis on the seventh year and mirroring the weekly Sabbath in its 6/1 pattern as seen in Deuteronomy's version of the Decalogue in Deut 5:12-15. In Deut 15, the Šemittah year is not an esoteric part of the cultic calendar but an event with a regularity that is familiar and known to everyone. In fact, the Šemittah year itself becomes an important marker of time in Deut 31:

And Moses commanded them: "Every seventh year, the appointed Šemittah Year, at the Feast of Booths, when all Israel comes to appear before YHWH your God at the place that God will choose, you shall read this law before all Israel in their hearing. (vv. 10-11)

This regularity produces a danger that the text is aware of and addresses. In v. 9, the potential creditor is warned against making a decision based on how close to the Šemittah Year they are.

Guard yourself, lest there be a wicked thought in your heart saying, "The seventh year, the year of remission approaches," and your eye be evil against your needy kin, and you do not give anything to them so that he cries against you to YHWH and you incur guilt.

It should come as no surprise that a creditor may not be so eager to make a loan knowing that there may not be enough time for the debtor to repay it before it would be forgiven and they have lost the money. In fact, as has been discussed above, it is this very problem that raises the claim that the release is meant to be a year of deferment rather than complete forgiveness. The possibility that that creditor could make a decision based on their proximity to the Šemittah Year means that it was a widely known cycle. Neither creditor nor debtor has to rely on some authority to keep track of the Šemittah Year, but both would be aware of when it was.

The law of the slave release (vv. 12-18) does not establish a set year for all slaves in Israel to be released but still follows the Sabbath 6/1 pattern in its work-rest rhythm:

If your kinsperson is sold to you, a Hebrew man or a Hebrew woman, they shall work for you **six years**, and in the **seventh year**, you shall send them away free from with you. (v. 12)

Just as the weekly pattern of work in Israel is six days of work followed by one day of rest, Hebrew slaves end their tenure as slaves after six years of work. The slave is not said to be given rest from labor or that the year of their manumissions is meant to be a Sabbath year for them. Instead, if the manumitted slave returns home and continues working, their work is no longer for someone else but is for themselves or their household. Further, there are striking similarities between this law and the law of the Sabbath in the Decalogue of Deut 5:12-15:

Observe the sabbath day and keep it holy, as YHWH your God commanded you. For **six days**, you shall labor and do all your work. But the **seventh day** is a Sabbath to YHWH your God; you shall not do any work—you, or your son or your daughter, or your male or female slave, or your ox or your donkey, or any of your livestock, or the resident alien in your towns, so that your male and female slave may rest as well as you.

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Remember that you were a slave in the land of Egypt, and YHWH your God brought you out from there with a mighty hand and an outstretched arm; thus, YHWH your God commanded you to keep the Sabbath day.

This commandment stresses the theme of slavery. After six days of working it is not just free persons who are to rest and benefit from the Sabbath, but rather no one may do any work, “so that your male and female slave may rest as well as you.” It should be noted here, that unlike the Law of Slave Release, the Sabbath applies not only to Hebrew slaves but to all slaves as well as resident aliens. The Sabbath is not a luxury for those who can afford to take a day off or for the Israelites but rather a non-negotiable requirement so that everyone gets a day of rest from their labor.

The motivation for the Sabbath in Deuteronomy is the same as the motivation to release a Hebrew slave, male or female, after six years of work. YHWH’s act of saving Israel from slavery in Egypt means that Israel’s treatment of slaves has boundaries commanded by YHWH, particularly when it comes to allowing them cessation from their work. Likewise, in 15:12-18, the Exodus event forms the basis for releasing Hebrew slaves:

Remember that you were a slave in the land of Egypt, and YHWH your God redeemed you; thus, I command you in this matter today (v. 15).

Here again, the language in Deut 15:15 closely echoes that of 5:15. While the slave release in the seventh year is not a Sabbath, since slaves were to be released after six years of work rather than on a set universal year, there can be little doubt that it is built upon the foundation of the Sabbath, or at least on the shared understanding of a holy rhythm of 7.

### *Generosity*

While both laws provide a release for those who are in debt or slavery, providing for a “clean slate” for the poor, an opportunity to start over, both go further by requiring generosity from those in the position of privilege. Forgiving a debt or releasing a slave because you are required to do so is not inherently generous, at least not from a modern understanding of the concept; it is instead nothing more than following the law. In fact, the limitations of such an act are demonstrated in Jer 34:8f. Neither the Šemittah Year nor the Law of Slave Release stops there. It is not enough to simply provide relief to those in need but rather the law requires that those in need be given the resources they need to have a chance to avoid falling into the debt-cycle and poverty again. These requirements genuinely provide a “clean slate” for the indebted and former slaves to start anew.

The forgiveness of subsistence agricultural loans allows the farmer a fresh start. The produce, which had been divided between survival, tax and tithe, and debt payment, now has one fewer demand on it. The possibility of surplus that they have can now be set aside to provide for seed or a lean season.



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Without the generosity of a loan, despite the nearness of the *Šemittah* Year, does not just deny the possibility of a fresh start, but not receiving a subsistence loan could mean having to sell a family member into slavery or a portion of land or to take other measures to be able to secure the food needed for their family or the seed needed to be able to sow in the next year. Their very survival has been put into jeopardy necessitating desperate measures that would further limit their resources. As was seen above, v. 9, the center of vv. 7-11, is the prohibition against denying a loan due to the proximity of the *Šemittah* year. This includes the positive command to generosity in v. 8:

For you shall surely open your hand to them, and you shall surely lend to them sufficient to their need, whatever they need.

While this does not require that the creditor give more than is needed or requested, stinginess is not an option. There is no room for haggling. The loan must meet the need. This open-handed generosity is contrasted in v. 7 with the images of hardening the heart and having a closed hand toward those in need, and it is this same open-handed generosity which drops the loan in v. 3.

In vv. 13-14 of the Law of Slave Release, the required generosity goes further. The slave being sent away free but empty-handed would have limited opportunities to be able to start over. With no resources, they may be able to return to their household, but they bring nothing with them other than their labor and another mouth to feed, especially if they are coming out with dependents of their own. Further, without the issue of land being addressed, the reader cannot assume that the released slave will have a patrimony or even a family to return to. Being sent away empty-handed could easily mean that the slave is sent from the household of their master into the world with nowhere to go and no means to avoid impoverishment and are forced to return into slavery.<sup>21</sup> In this set of circumstances the provisions of Exod 21:5-6 may actually serve to protect the slave, better to remain with one's family and a master that has treated him well than to risk entering slavery with a different master. To prevent this situation, vv. 13-14 require not only that slaves are sent away with some provisions but that they are richly furnished:

And when you send them away from you, a free person, do not send them away empty-handed. You shall surely richly furnish them from your flock and from your threshing floor and from your winepress; of which YHWH your God blesses you, you shall give them.

Because God has blessed the master, the master must mirror YHWH and provide for the released slave from that blessing.

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<sup>21</sup> See: Duane L Christensen, *Deuteronomy 1:1-21:9*, 320; Peter C. Craigie, *The Book of Deuteronomy*, 238; Richard D. Nelson, *Deuteronomy: A Commentary*, 1999; and Jeffrey H. Tigay: *Deuteronomy*, 149.

The phrase **הָעֲנִיִּק תַעֲנִיֵּק לֹא** “you shall surely richly furnish them,” does not have another occurrence in the Hebrew Bible, but the image is clearly one of lavish generosity as it could most literally be translated, “you shall surely adorn them with a necklace.”<sup>22</sup> This is more than giving the released slave what they need to be able to buy food for a few days or find temporary shelter; this is enough to allow them a chance to start over: grain, wine, and even animals. Once the slave has worked their term, they are set free and are able to start over.

According to Daisy Yulin Tsai, this is about more than avoiding reentry into slavery but is part of Deuteronomy’s humanitarian agenda. Citing other uses of “action verb + adverb **רַיָּקָם**,” Tsai claims that nowhere does the Bible invoke punishment in any of the examples in which the economically privileged could release the powerless empty-handed.<sup>23</sup> Building on these examples, she argues that “in view of these, Dt 15 purposely makes the humanitarian concern that flows out of the biblical narrative into a stipulation of a slave manumission law.”<sup>24</sup> She further argues that the use of **הָעֲנִיִּק תַעֲנִיֵּק לֹא** rather than the more expected **נָתַן** creates a sense of celebration and generosity. This idea of celebration fits in well with the laws that precede and follow regarding the tithe and the offering of the firstlings. Rather than being, primarily, donations to the temple, these laws put these portions which are consecrated to YHWH in the context of feasts and celebration (Deut 14:22-29; 15:19-20).

While the generosity required by the Šemittah year law is not as lavish or celebratory as that found in the slave release, both laws legislate generosity. Such an idea runs contrary to modern ideas of generosity which cannot be dictated, but within the context of laws providing relief for the poor and the slave, this is reasonable and connected to YHWH’s blessing. Such generosity may facilitate the hope expressed in vv. 4-5. By following these laws, the community participates in bringing about YHWH’s blessing such that “there shall be no poor among you.”

<sup>22</sup> Cf. Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, 290 and Calum Carmichael, “Three Laws on the Release of Slaves (Exod 21,2-11; Dtn 15,12-18; Lev 25,39-46),” 522

<sup>23</sup> Counter this, it does need to be noted that in Gen 31:42 Jacob claims that God rebuked Laban for having sent him out empty handed. Likewise, it may be inferred that the fact that the leaders of Jerusalem almost immediately re-enslaved their manumitted slaves was the result of sending them out empty-handed, and the punishment for that is dire. However, Jer. 34 does not use the language Tsai here refers to.

<sup>24</sup> Daisy Yulin Tsai, *Human Rights in Deuteronomy with a Special Focus on Slave Laws*, 51.

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*Right Attitude*

In the *Šemittah* Year regulation, the attitude of the creditor is treated as a central and vital issue. The potential creditor is warned against hardening the heart (v. 7), closing the hand (v. 7), having a wicked or worthless thought in their heart (v. 9), and their eye being evil against the needy kinsperson. With these descriptions of an attitude that the creditor is to avoid, the text is not trying to encourage a right spiritual or even emotional predisposition toward those in need and the act of giving. Just as generosity is not negated by being required or by the promise of being richly rewarded, the wrong attitude should not be viewed through the current focus on the internal. The focus is more practical as these attitudes lead directly to not giving to the needy brother as seen in v. 9, and the real effects of the hardening of the heart can be seen in the exodus story with Pharaoh. Instead of hardening the heart and closing the hand, the creditor must open their hand and lend sufficiently (vv. 7-8). If the kinsperson in need is denied a loan to do these concerns and they call out to YHWH, then YHWH will judge it to be sin (שָׁמָר).

The creditor is not only warned against attitudes that could lead them to refusing to give a needed loan but also against viewing generosity as a grievance.

You shall give to them freely, and your heart shall not be grieved when you give to them; for on account of this matter, YHWH your God will bless you in all your deeds and in all that you put your hand to. (v. 10)

This warning might seem unnecessary and redundant after what came before. One might think it enough to avoid those attitudes that affect action. Instead, this warning comes with an assurance; as YHWH's blessing will more than compensate, it is no hardship. This warning and assurance connect with the Law of Slave Release. Within vv. 12-18, there is no stated concern that the slave owner would refuse to set the slave free and so no need to prohibit any attitude that might prevent the slave owner from obeying the law. As in the *Šemittah* law, the slave owner must not view the manumission of the slave as an undue hardship:

It shall not be hard in your eyes when you send them away from you free, for the same as the hire of the hired laborer they worked for you six years, and YHWH your God will bless you in all that you do. (v. 18)

In both cases, the potential complaint that the commanded generosity causes the creditor or slave owner a financial loss is countered by the promise of YHWH's blessing on everything that they do. Their obedience results in blessing, and so there is no reason for resentment. There is no requirement that the generosity be over and above what the law requires, though, in the case of the slave release, the law's requirement is not an insignificant act of generosity nor is a minimum strictly defined. As seen above, the concept of generosity once again fails to meet most modern definitions as there is an expectation of compensation, but for the text, neither promise nor command negates the generosity.

For both the issue of generosity and the question of attitude, YHWH's blessing is the ultimate answer. Whatever the creditor or slave owner lost by following the law and remitting the debt or releasing the slave will be more than made up for by YHWH's unlimited blessing on everything that they do. Otto observes regarding the *Šemittah* though it would also apply to the Law of Slave Release, "Befolge der Gläubiger das *šemittāh*-Gebot, so handle er nicht gegen, sondern zugunsten seines eigenen Interesses trotz der finanziellen Einbuße."<sup>25</sup> Obedience to these laws results in YHWH-assured profit. A wrong attitude that leads to the withholding of generosity, then, leads to YHWH withholding continued blessing.

### חטא in Deuteronomy

In Deut 15:1-11, v. 9, a verse which has already been shown to be central to the *Šemittah* year, departs from the language of blessing. In case it is not enough to assure potential creditors that giving despite the potential financial disadvantage of doing so is, in fact, to their own advantage, the author adds a warning. If they do not lend to the needy brother due to their fear of financial loss, if they leave the needy with no recourse other than to call out to YHWH, then they will incur guilt (חטא).

חטא does not have a singular meaning in Deuteronomy. In Deut 1:41 and Deut 20:18, the issue of sinning against YHWH comes up in relation to its effect on warfare. In the recounting of their history in Deut 1, Israel confesses to sinning against YHWH when they did not believe the account of Joshua and Caleb, but their confession is not enough for YHWH to go into battle with them. In Deut 20, the justification for the ban is so that the nations cannot teach them to sin against YHWH by teaching Israel their abominations, acts that are described as sins but not defined. In addition, there are sins worthy of death (וְכִי־יִהְיֶה בְּאִישׁ חַטָּא מִשְׁפָּט־מוֹת) (Deut 21:22; cf. 22:26), any and all sins must be witnessed by at least two witnesses (Deut 19:15), breaking a vow made to YHWH is חטא (Deut 23:21-22 (22-23)), and the land can be caused to sin (Deut 24:4). This broad range of usages does not provide a basis to establish a single technical range of meaning for what qualifies as חטא in Deuteronomy, though Weinfeld accurately argues that in Deuteronomy it "is not used in the same sense as in the Sapiential source, i.e., 'to bring misfortune upon oneself', but in the religious sense of committing a 'religious wrong'."<sup>26</sup> It cannot even be said that all incidents of חטא in Deuteronomy necessarily warrant death, as

<sup>25</sup> Eckart Otto, *Das Deuteronomium: Politische theologie und Rechtsreform in Juda und Assyrien*, 357.

<sup>26</sup> Weinfeld, *Moshe Weinfeld, Deuteronomy and the Deuteronomical School*, 272.

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the penalty for a false witness in Deut 19 is not explicitly stated to be death but rather the penalty he had sought for the accused (Deut 19:19), up to and including death.

The usual formula to pronounce someone guilty is **הַטָּא** + **ב**-person + **הַטָּא**, as seen in v. 9 and in Deut 21:22 above. There is nothing striking about the exact same phrase being used in Deut 24:15 as a warning against withholding daily pay. What is interesting is that like Deut 15:9, in Deut 24:15, the wronged person cries out to YHWH against someone who is harming them economically. In Deut 15:9, the loan is not being granted because of the nearness of the *Šemittah*, and in Deut 24:15, an individual's payment for the day is withheld. The money that is kept from the individual, either as a needed subsistence loan or the daily wage that they earned, is money that is needed for survival. The withholding endangers the needy or the worker:

15:9	וְקָרָא עָלֶיךָ אֶל־יְהוָה וְהָיָה בְּךָ חַטָּא׃	so that he cries against you to YHWH and you incur guilt
24:15	וְלֹא־יִקְרָא עָלֶיךָ אֶל־יְהוָה וְהָיָה בְּךָ חַטָּא	lest he cry against you to the Lord and you incur guilt.

Deuteronomy lists very few specific examples of what counts as **חַטָּא**, and the law against breaking a vow to YHWH in Deut 23:21/22-22/23 is set among other economic laws: providing for escaped slaves, not allowing prostitution, the law against charging interest, and the law limiting what one may take from a neighbor's vineyard or grain. The use of **חַטָּא** in the laws concerning the use of female sexuality (Deut 22:26, 24:4) prevents the interpretation that **חַטָּא** which is not directly against YHWH as referring only to economic matters.<sup>27</sup> However, just as with YHWH's blessing, Deuteronomy shows a particular concern for the poor and needy by including economic maleficence among the spectrum of acts that are defined as **חַטָּא**.

<sup>27</sup> An argument could be made that a betrothed virgin being raped in the countryside (Deut 22:26) does potentially cause an economic loss for her father or her betrothed, as it endangers his own seed.

*Particularity*

Like the Year of Jubilee in Lev 25, the Šemittah Year and the Law of Slave Release only apply to the Hebrew or Israelite. Foreigners are not only excluded from the Šemittah law, but v. 3 explicitly allows the creditor to “press” the foreigner for payment of debts (אֶת־הַנִּכְרִי תַגֵּשׁ). While vv. 12-18 do not state that Israelites may own foreign slaves as we see in Lev 25:44-46, the law requiring that slaves be released after six years of service only applies to Hebrew slaves. Attempts to broaden the meaning of Hebrew based on a hypothetical connection to the *Apirū* are contradicted by the text itself as הָעֶבְרִי אוֹ הָעֶבְרִיָּה (“the Hebrew man or the Hebrew woman”) is an elaboration on אָחִיךָ (“your kin”) and serves to only clarify that both male and female slaves are included, not to extend the law beyond the people of Israel.

In other laws concerning care for the poor, including in Deut 14:28-29 that immediately precedes the Šemittah year law, the resident alien is included. In Deut 10:17-19 YHWH’s concern for the resident alien is made explicit:

For YHWH your God is God of gods and Lord of lords, the great, mighty, and awesome God, who is not partial and who takes no bribe, who does justice for the orphan and the widow, and who loves the sojourner (גֵּר), providing them food and clothing. You shall also love the sojourner (גֵּר), for you were sojourners (גֵּרִים) in the land of Egypt.

As YHWH’s love for the sojourner is shown through the provision of food and clothing, the love required of the community of Israel should also provide for them. גֵּר are to be treated justly and judged righteously without bias (Deut 1:16), and, just as with the widow and the orphan, justice must not be perverted against them (Deut 24:17; 27:19). Not only must the tithe be set aside every three years to provide for them along with the Levite, the widow, and the orphan (Deut 14:28-29), but they are also included among those who benefit from leaving forgotten sheaves in the field, unfallen olives in the orchard, and uncleaned grapes on the vine (Deut 24:19-21).

The word for foreigner in v. 3 is נִכְרִי rather than גֵּר. Deut 14:21 can be read to indicate that there is a distinction between the two classifications, though the terms could also be held in parallel. Both Driver and Lundbom argue that this refers specifically to foreign traders rather than to sojourners who live in the land (גֵּר) and are part of the community.<sup>28</sup>

<sup>28</sup> Driver, *A Critical and Exegetical Commentary*, 175; Lundbom, *Deuteronomy*, 489.

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You shall not eat anything that dies naturally; you may give it to the sojourner (לִגֵּר) residing in your towns for them to eat, or you may sell it to a foreigner (לְנֹכְרִי). For you are a people holy to YHWH your God.

Whether the use of נֹכְרִי here indicates that the loans made to the foreigner are commercial and, therefore, do not apply, there is no indication that subsistence loans made to the גֵּר are included in the Šemittah Year. If it had been, one would expect to see the resident alien included in v. 2 alongside “their neighbor or their kin” or in v. 3 with “their kin.” The exclusion indicates that subsistence loans to resident aliens are not required to be remitted in the Šemittah Year. Perhaps a further hint that the גֵּר are not included in this provision is found in the consequences of disobedience in Deut 28. In v. 43, one of the consequences is the reversal in which the גֵּר is exalted and the Israelite humbled:

The sojourner (לִגֵּר) among you shall ascend above you higher and higher, while you shall descend lower and lower. (Deut 28:43)

This warning is the opposite of the promise of Deut 15:6 in which Israel is lender but not a borrower.

In the Law of Slave Release, the exclusion of the resident alien is highlighted by the unambiguous inclusion of female Hebrew slaves. Both v. 12 and v. 17 state the female slave is to receive the same treatment as the male slave. While this clearly stated inclusion is likely meant to counter the difference between the male slave and the female slave in Exod 21:2-11, it also demonstrates that the text would have left no question if the Law of Slave Release was meant to apply to non-Hebrew slaves as well. Instead, the language of v. 12a emphasizes that the slaves in question are fellow Hebrews:

כִּי־יִמָּכַר לְךָ אֶחָיִךְ הָעִבְרִי אוֹ הָעִבְרִיָּה, “if your kinsperson is sold to you, a Hebrew man or a

Hebrew woman.” There are no specific requirements or permissions surrounding slaves from other peoples as seen in Lev 25, including the resident aliens, but they do not go out at the end of six years’ service.

### Slave Laws in Deuteronomy 15:12-18 and Exodus 21:2-11

Most scholars agree that Deuteronomy used the Covenant Code as a source for the Law of Slave Release.<sup>29</sup> As has been seen, Deut 15:1-11 draws upon the fallow year of Exod 23:10-11, but transforms it into something completely different, moving it from an agricultural focus to a socio-economic matter,

<sup>29</sup> Eckart Otto, “False Weights in the Scales of Biblical Justice? Different Views of Women from Patriarchal Hierarchy to Religious Equality in the Book of Deuteronomy,” 128-46 argues that while cult centralization was a hermeneutical key by which Deuteronomy revises the Covenant Code, social and ethical laws were also important hermeneutical elements through which Deuteronomy attempts “to stabilize a brotherly ethic.” See also Otto, “Perspektiven der neueren Deuteronomiumsforschung,” 328.

the question of debt, mainly connected by its seven-year rhythm. The Law of Slave Release in Deut 15:12-18 serves more as a critique and, perhaps, a replacement for the Covenant Code's treatment of slaves in Exod 21:2-11. Deuteronomy addresses issues of gender, provisioning, and the decision of a slave to remain a permanent slave.

Twice, Deuteronomy's Law of Slave Release emphasizes that the law applies to female slaves as well as male slaves. The law begins by defining the kinsperson who has been sold as "a Hebrew [man] or a Hebrew woman" (Deut 15:12) and ends, prior to the warning and assurance, with the statement that "you shall do thus also for your female slave" (Deut 15:17). There is no difference between the treatment of male and female slaves in Deut 15, whereas in Exod 21, the two are treated as entirely different categories, with Exod 21:2-6 addressing the treatment of male slaves and Exod 21:7-11 describing the regulations for "when a man sells his daughter as a slave" (Exod 21:7). While the Covenant Code only addresses a sold daughter in the context of concubinage, providing protections for the female slave who loses favor in her master's eyes, Deut 15:12-18 does not deal with the possibility of a woman being sold as a slave to be a concubine or a wife (Exod 21:7f), but rather treats her as having entered the household for the same reasons as a male slave, and with the same term limit. Following Carolyn Pressler, the Covenant Code sets a woman's status upon the men under whose authority and protection she is,<sup>30</sup> while Deuteronomy treats her status as independent of a man's. Nor does Deuteronomy's Law of Slave Release consider the possibility that a female slave can be given to a male slave by a master or that she and her children can be withheld as the master's permanent property (Exod 21:4). The explicit equivalence of female slaves with male slaves is not just a contrast to the Covenant Code but a correction in which the gender differentiation in the Covenant Code is not allowed to stand.<sup>31</sup>

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<sup>30</sup> Carolyn Pressler, "Wives and Daughters, Bond and Free: Views of Women in the Slave Laws of Exodus 21.2-11" 147-72.

<sup>31</sup> Cf. Bernard M. Levinson, "The Manumission of Hermeneutics: the Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory," who argues that "the transformation of legal precedent is the entire point of the law and gives it its coherence" (302); and much earlier Driver, *A Critical and Exegetical Commentary*, 181f. Anthony Phillips, "The Laws of Slavery: Exodus 21:2-11," 56, argues that this revision is not the primary revision of the Deuteronomy law over the Covenant Code, though important, and that the foundation for this revision is that in Deuteronomy, women become equally responsible and liable under the law, at least mostly.

Norbert Lohfink, *Studium zum Deuteronomium und zur deuteronomistischen Literatur IV*, also supports the idea that the inclusion of the woman is intended to replace the original law, "Die ausdrückliche Nennung der Sklavin ist auch schon durch die Zerstörung des Gesamtgefüges der Vorlage genügend motiviert" (190). He also argues that, based on the ancient Near Eastern parallels in which a daughter would have been the first member of a family sold into debt-slavery and for her *Arbeitskraft* rather than as a sexual slave, the Covenant Code did not assume that all sold women would be either wives or concubines, but that it simply does not address the case of a



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Deuteronomy's Law of Slave Release expands upon what it means for a Hebrew slave to go out debt-free (Exod 21:2). In the Covenant Code, the freed male slave goes out without debt, but no other financial benefit to allow him to get a fresh start and avoid falling into slavery again. The freed slave leaves in the same state that he entered other than being free of debt. Exod 21:3-4 protects the property, even the human property, of the master. If the slave entered slavery single and was given a wife by his master, then she and any children they might have had, remain the property of the owner. If, on the other hand, he came in with a wife, she and, presumably, their children go out with him (Exod 21:3). The issue of the slave's family is not addressed by Deuteronomy, though a wife that came into slavery with her husband would be covered by the gender inclusion as both would reach the end of the tenure at the same time. If she were sold, as a dependent, prior to the *pater familias* selling himself, then her term would end before his, and she would be richly provisioned apart from him upon her release. Deuteronomy deals with the female Hebrew slave entirely apart from her relationship to any man.

While the Covenant Code does not allow the male slave to go out having been enriched beyond the forgiveness of his debt, for Deuteronomy's Law of Slave Release, male and female slaves are richly provisioned when they are released:

And when you send them away from you, a free person, do not send them away empty-handed. You shall surely richly furnish them from your flock and from your threshing floor and from your winepress; of which YHWH your God blesses you, you shall give them. (Deut 15:13-14)

As already seen, the command to "richly furnish" the manumitted slave uses a unique Hebrew phrase:

לֹא תַעֲנִיךָ תַעֲנִיךָ לָוִי "you shall surely make a necklace for them." There is no other occurrence of this phrase in the Hebrew Bible, but the image is clearly one of lavish generosity,<sup>32</sup> though that could be communicated without such a unique metaphor. More than just an expression of generosity, the image this invokes is likely a reference to the exodus event. In Exod 12:35-36, the Egyptians lavishly provision the Hebrew slaves:

The people of Israel did as Moses told them; they asked the Egyptians for objects of silver and gold and for clothing, and YHWH gave the people favor in the eyes of the Egyptians so that they gave them what they asked. And so, they plundered the Egyptians.

Though the term עֲנִיךָ, "necklace," does not occur in this description of the seemingly involuntary generosity of the Egyptians, there is a parallel between the Egyptians sending out the slaves with articles of gold and silver and the Israelite master sending out the Israelite slave with a "necklace" of provisions

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daughter sold into temporary *Arbeitskraft* slavery, such that Deuteronomy, in its supplanting of the Covenant Code slave law, overread Exod 21:1-11 (182f).

<sup>32</sup> Cf. Chirichigno, *Debt-Slavery*, 290 and Carmichael, "Three Laws," 522

from that which YHWH has blessed them. This connection is strengthened by v. 15's motivation of reminding the Israelite's of their time in Egypt and YHWH's ransoming them from slavery. Through this allusion, the provisioning of the released slave is more than giving them what they need to be able to buy food for a few days or find temporary shelter or even providing them with the resources to be able to have a truly fresh start. Instead, the willingly generous master is re-enacting the freeing of the Israelites from Egypt.

By treating male and female slaves the same and requiring that the released slaves be richly provisioned, Deuteronomy's Law of Slave Release sets the stage for the final correction over the Covenant Code's slavery law. In Exod 21:5-6, the slave chooses not to go out free because of the love of their master, wife, and children (v. 5). Deut 15:12-18 has removed any elements that could manipulate a slave into choosing to remain permanently. No spouse or child is held back, forcing them to choose between freedom and staying with their family, and the lack of resources and future prospects does not mean that the freed slave will almost definitely wind up back in the debt-cycle and eventual slavery. Instead, they may choose to stay because they love the master, their household, and decide that "being with you is good for them" (v. 16).<sup>33</sup> What exactly it means that it is good for the slave with the master is not defined,<sup>34</sup> but it is not that their family is being withheld from them or that they have no prospects outside of the master's household. Deut 15:12-18 allows for the possibility that the slave will choose not to go out, even using the same method of ear piercing to mark the permanent slave,<sup>35</sup> but it also remedies the motivations for a slave to make this choice.

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<sup>33</sup> Driver, *A Critical and Exegetical Commentary*, 184, Driver sees this as an "explanatory addition" to the slave's declaration in Exod 21:5 for why it is that the slave loves their master and their master's house, comparing it to the motivation to honor one's mother and father in Deut 5:16 **לְךָ יִיטֵב**: "so that it may go well with you."

<sup>34</sup> Nathan MacDonald, *Deuteronomy and the Meaning of "Monotheism,"* sets the love of the master in v. 16 in the context of the love of YHWH as it is derived solely from the "master's goodness" and that, therefore, "the love that Israel is to show YHWH, then, is similar to that which the grateful slave shows his master. This love is based on the gracious actions of the master, human or divine" (103).

<sup>35</sup> **הַמִּרְצֵעַ**, the awl, is only found in Deut 15:17 and Exod 21:6, which also uses the verb **רָצַע**, "to bore, pierce." This suggests that the instrument used here and this process is specific and limited to this ritual. As part of the centralization program of Deuteronomy, this ritual does not take place before God, as in Exod 21:6, but is rather a secular ritual.

## Theology

### *Care for the Poor Kin*

As was seen in the exploration of the issues of blessing and **שְׁמִטָּה** above, the theology of Deuteronomy includes a particular concern for the poor, though both the Šemittah Year and the Law of Slave Release are focused on the poor Israelites and exclude non-Israelites. The reasoning for these particular laws is found in YHWH's relationship to Israel and the history of YHWH's salvific actions: YHWH's giving the land to Israel and the exodus event. The Šemittah Year of Deut 15:1-11 emphasizes YHWH's gift of the land to Israel in vv. 4 and 7, and specifically connects this to the question of the presence of needy in the land, a problem in which Israel is outside of the intended order of YHWH, as not all are sharing in the blessing of the giving of the land:

Except that there shall be no poor among you – since YHWH your God will surely bless you in the land that YHWH your God is giving you as a hereditary portion. (v. 4)

and

If there be among you any needy, one of your kin in any of your gates in your land which YHWH your God gives to you (v. 7).

The exodus event provides the rationale for the Law of Slave Release:

Remember that you were a slave in the land of Egypt, and YHWH your God redeemed you; thus, I command you in this matter today (v. 15).

While the history of slavery and YHWH's ransoming of Israel should and does provide a basis for concern for all poor and slaves in Deuteronomy,<sup>36</sup> it is the Hebrews that YHWH has already ransomed and to the whole of Israel that YHWH gave the land. This echoes the theological basis seen in Lev 25, but Deut 15:16-17 allows for Hebrews to become permanent slaves, an unimaginable state for the Holiness Code. Deuteronomy does not attempt to argue that YHWH's relationship with Israel and the salvific history of the people of Israel precludes actual slavery. While it is still permitted, the rest of the Law of Slave Release mitigates most of the reasons that a person might make that choice. Likewise, the entire nation is to benefit from the gift of the land, but Deut 15:1-11 does not deal with land ownership in any direct fashion. The whole nation is to benefit, such that there will never be any poor, but that does not seem to mean that each individual is guaranteed access to an ancestral patrimony.

Mark Leuchter insists that the fact that the Law of Slave Release requires individual action as opposed to the universal communal action of debt forgiveness in the Šemittah Year suggests that

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<sup>36</sup> Of particular note is Deut 23:15/16-16/17 in which the fugitive slave is to be given asylum rather than returned to the owners and are not to be oppressed. While this law does not appeal directly to the experience of slavery in Egypt or the Exodus event, there is no indication that the slaves who are protected are limited to Hebrew slaves.

releasing slaves was not a sacral institution but “is legislated to take place as a regional social matter.”<sup>37</sup> That there is no ceremonial aspect to the Šemittah Year, no act of proclamation as seen with the Year of Jubilee, has led to the claim that the Šemittah Year was also a secular institution.<sup>38</sup> Despite this, the Šemittah Year maintains a sacral dimension as v. 2 declares not just the universality of the Šemittah Year, but that it is “YHWH’s remission” (שְׁמִטָּה לַיהוָה) that has been proclaimed. According to Weinfeld, the original Sabbath law was the first verse with its simple command of a release and the addition of vv. 2-11 take what could be considered a late development, the release of debts, and sets it, “as the essential purpose of the Sabbatical year,” and that the addition of this element of the sacral to the forgiveness of debts “is an innovation of the deuteronomic Code.”<sup>39</sup> The Law of Slave Release is connected to the Šemittah Year which precedes it through its parallel structure and thematic relationship as well as its placement immediately following. This means that the Law of Slave Release is a social matter brought into the realm of the sacral through its connection with the Šemittah Year as well as its grounding in the exodus event. This remains the case despite the fact that there is no universal year for the manumission of slaves and that the ear-boring ritual for a permanent slave in v. 17 has been secularized.

### *The Gift of Land*

The land is an integral part of the theology of Deuteronomy. While it is not personified in Deuteronomy as seen in the Holiness Code, the land is still YHWH’s to give. According to Tsai:

The land functions as a sociological symbol of divine care, rather than merely a free gift from God. Deuteronomy carries out the land promise by characterizing the *land* and *law* together with a combined theological and sociological meaning. Thus, the land is the concretization of the covenant, a reminder of YHWH’s covenant with the Israelites, and a motivator for law obedience.<sup>40</sup>

As seen in Deut 7:13-14, the gift of land is not merely that the Israelites will be living on the land but also includes YHWH’s blessing through the produce of the land. Alexander Rofé insists that for Deuteronomy, “the land plays a role only as a function of the special relationship [between YHWH and Israel] that has been established between YHWH and the land,” so that while YHWH promises to bless the people through the land, it is not an obligation based on YHWH’s very nature or YHWH’s relationship to the land but rather an expression of YHWH’s relationship with Israel.<sup>41</sup>

<sup>37</sup> Mark Leuchter, “The Manumission Laws in Leviticus and Deuteronomy: the Jeremiah Connection,” 647.

<sup>38</sup> Weinfeld, *Deuteronomy and the Deuteronomistic School*, 188.

<sup>39</sup> Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School*, fn 223-224.

<sup>40</sup> Tsai, *Human Rights*, 36-37.

<sup>41</sup> Alexander Rofé, *Deuteronomy: Issues and Interpretation*, 12.

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As a part of this relationship, Israel is commanded to share this blessing with those in need, whether the freed slave or the Levites, the resident aliens, the orphans and the widows (cf. Deut 12:17-19; 14:28-29; 16:9-15; 24:19-22; 26:11, 13). YHWH's gift of the land to Israel and the accompanying blessing and increase applies to all of Israel and forms a theological grounding not just for the *Šemittah* Year but also for the Law of Slave Release as well as other protections that apply exclusively to the members of Israel. Those who have been enriched by the blessing of the land must give generously to those in need, even when it is to their detriment, and the wealthy owner must share their blessings with their freed slaves. Through the land, YHWH blesses Israel, and, in turn, those among the Israelites with means bless their kinspersons in need. The wealthy, like the land, become conduits of YHWH's blessing to the whole community of Israel.

### *Slavery in Egypt and the Exodus Event*

The addition of the exodus event to the motivational clauses, bolstered by the use of the term “Hebrew” (הֶעֱבְרִי אוֹ הֶעֱבֹרִיָּה, v. 12)<sup>42</sup> to refer to the enslaved Israelites, not only strengthens the theological basis for the Law of Slave Release but also connects it to the theology of Deuteronomy and its concern for the poor. The motivational clause of v. 15 calls upon Israel to remember that they were slaves in Egypt and that YHWH ransomed them, calling upon both their experience as oppressed slaves and YHWH's act of salvation. While it is surprising that this is not cited in Deuteronomy 23:15-16 (16-17), in which the fugitive slave is to be taken in and allowed to settle among the people of Israel rather than returned to their master, this motivational phrase is often found in relationship to the care for the poor. By remembering their own experience of oppression, Israel is to act with empathy toward those who find themselves in a similar state of vulnerability due to their economic status.

The gift of the land and its produce are often connected with the experience of the exodus, as can be seen in the Festival of Weeks, which both celebrates the produce of the land and calls for a remembrance of the exodus event (Deut 16:9-12). Deuteronomy 24:17-22 requires justice and provision for all needy persons, including the resident aliens alongside orphans and widows based on both YHWH's gift of the land and the blessing through its produce and the exodus event:

You shall not pervert justice for a sojourner or an orphan; you shall not take a widow's garment in pledge. Remember that you were a slave in Egypt and YHWH your God redeemed you from there; therefore, I command you to do this.

When you reap your harvest in your field and forget a sheaf in the field, you shall not go back to get it; it will be for the sojourner, the orphan, and the widow, so that YHWH your God may bless you in all that

<sup>42</sup> See William H. Propp, *Exodus 19-40: A New Translation with Introduction and Commentary*, 188.

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you put your hand to. When you beat your olive trees, do not go over the branches again; it will be for the sojourner, the orphan, and the widow.

When you gather your vineyard, do not glean them again; it will be for the sojourner, the orphan, and the widow. Remember that you were a slave in the land of Egypt; therefore, I command you to do this.

The most critical connection between the gift of the land and the exodus event is not through their common use as a motivation for protecting the poor but rather in Israel's call to exclusive devotion to YHWH in Deut 6. In the recollection of the story from the patriarchs through to settlement in the land, the exodus event is an essential piece of the whole and cannot be separated from YHWH's gift of the land:

When YHWH your God brings you into the land that God swore to your ancestors, to Abraham, to Isaac, and to Jacob, to give you — with great and good cities that you did not build, houses filled every good thing that you did not fill, hewn cisterns that you did not hew, vineyards and olive groves that you did not plant — and when you eat and are sated, then be careful that you do not forget YHWH, who brought you out of the land of Egypt, out of the house of slavery. (Deut 6:10-12)

This can be again seen in the instructions regarding teaching the reasoning behind the laws to future generations:

When, in the future, your children ask you, what the decrees and the statutes and the ordinances that YHWH our God has commanded you mean, then you shall say to your children, "We were Pharaoh's slaves in Egypt, but YHWH brought us out of Egypt with a mighty hand. Before our eyes, YHWH set great and grievous signs and wonders against Egypt and against Pharaoh and all his household and brought us out from there in order to bring us into and to give us the land that God promised to our ancestors. Then YHWH commanded us to observe all these statutes, to fear YHWH our God, for our good always, to keep us alive, as we are today. And it will be counted to us as righteousness if we observe to do this whole commandment before YHWH our God, just as God has commanded us." (Deut 6:20-25)

The exodus event and the gift of the land provide the theological grounding for all the laws in Deuteronomy and are intrinsically bound as the specific theological reason for those laws that provide for the poor. The acts of social and economic justice, including debt-forgiveness and the manumission and provisions for freed Israelite slaves, are at the very heart of Israel's relationship with YHWH. Though perhaps they were initially social conventions, they become a part of the theological center of the project of Deuteronomy.

### *Sovereignty of YHWH*

According to the *Shema* of Deut 6, the theological center of Deuteronomy is the sole worship of YHWH by the people of Israel. As seen above, YHWH's acts in caring for Israel by bringing them out of slavery in Egypt and into the land which YHWH gives them serve to support the exclusive worship of YHWH, to declare that YHWH alone is worthy of that worship and love. It is YHWH alone that ransomed Israel from Egypt. It is YHWH alone who gives the land. When Deut 15:4, 7 remind the Israelite creditor

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that they are in the land which YHWH has given them and Deut 15:15 recalls YHWH having ransomed them from Israel, the Šemittah Year and the Law of Slave Release cite not just YHWH's acts but also appeal to YHWH's sovereignty.

There is an argument that the Šemittah and the Law of Slave Release of Deut 15 grow out of an anthropocentric approach to a theology rooted in wisdom literature.<sup>43</sup> This can be most clearly seen in the promise of material blessing that encompasses everything that the obedient and generous creditor and master does. The ideas of pro-social behavior and reward-based blessing are appealed to at every step. Though these laws reflect a desire to care for the underprivileged and needy Israelite, those with economic privilege and wealth are the targeted audience for these laws as they are the ones who are able to make loans or own slaves. The Šemittah Year does promise blessing that will affect the nation as a whole, even claiming that, if the wealthy obey, the whole community will, at least, meet their subsistence needs. The wealthy are promised that they will profit from obedience, and though it is not stated, the idea that they are already blessed and economically secured as a result of their obedience thus far could be implied. It would be easy to view these laws as primarily humanistic,<sup>44</sup> but there is a definite concern with the humanistic issues of social justice not just in Deuteronomy but throughout the whole Hebrew Bible, such that attempting to separate humanistic issues from theological concerns is simply not tenable.<sup>45</sup> The reason for these humanitarian concerns and the laws regarding them are

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<sup>43</sup> See Weinfeld, *Deuteronomy and the Deuteronomistic School*, where he argues that Deuteronomy married the disciplines of law and wisdom in which "law belonged to the sacral sphere" and "wisdom dealt with the secular and mundane" (255-56). Cf. Rofé, *Deuteronomy*, who argues that Deuteronomy combines prophetic ideologies, priestly concerns, and court wisdom (9).

<sup>44</sup> An important dissenting voice regarding the idea that the laws of Deuteronomy are humanistic is Harold V. Bennet, *Injustice Made Legal: Deuteronomistic Law and the Plight of Widow, Strangers, and Orphans in Ancient Israel*. In this work, Bennet argues that the laws often seen as socially just laws for the marginalized, including 14:22-29, merely provide a pretense of care for the marginalized while making sure to guarantee the national endowment of cultic officials (127).

Though he does not address the Šemittah Year or the Law of Slave Release in Deut 15:1-18, he argues that Deuteronomy has a Northern origin, contrary to the majority opinion, during the Omride period, and that the political stability of that time lead to a "breakdown in the major kinship subgrouping" that "devastated an extant social welfare systems for the relief" of the marginalized (152). This claim does seem out of step with the protections of the needy kinsperson in these laws, but, as part of his argument is that the limited periodicity of social welfare programs, his contention could be extended to the debt-release coming only every 7 years with no other opportunity for relief and that the term for slaves was twice as long as that found in the Laws of Hammurabi which establishes a term of 3 years (LH 117).

<sup>45</sup> Tsai, *Human Rights*.

founded in Israel's unique relationship to YHWH.<sup>46</sup> Wisdom is not distinct from theology in either the ancient Near Eastern world or in the Hebrew Bible.

According to C. L. Crouch, not only is the Deuteronomic project about demanding exclusive worship of YHWH, but it is that exclusive worship that defines the limits of the community of Israel. For Deuteronomy, regardless of actual genetic descent, an Israelite is one who worships YHWH to the exclusion of all other gods.

Israelites are fundamentally and ultimately Yahwistic: an Israelite who is not Yahwistic is not an Israelite. Not only this, however, but Israelites are exclusively Yahwistic: an Israelite who worships another god alongside or in addition to YHWH is also not an Israelite.<sup>47</sup>

The motivation factors seen in Deut 15 do not stand alone as the reasons to obey these commands but rather reinforce YHWH's sovereignty. This sovereignty is seen both in YHWH's past actions and in YHWH's present and future actions of blessing the people of Israel, both as individuals and as a nation. By saving the people of Israel from slavery in Egypt, YHWH's sovereignty is shown to extend beyond the geographic boundaries of Israel and Judah, but it is YHWH's particular sovereignty over the land of Israel that allows the Israelites to live on the land. It is through this sovereignty that YHWH can promise to bless everything that they do if they obey, and that Israel will lend to and rule over other nations, but not be ruled over (Deut 15:6).

Within this context, the particularity of the Šemittah Year and the Law of Slave Release fits within Deuteronomy's larger theological project. Though God cares for the גֵּר (Deut 10:17-19), the Israelite is the one who recognizes YHWH's exclusive sovereignty.<sup>48</sup> It is the Israelite who shares the origin myth of the exodus event, whose ancestors were ransomed from slavery and oppression in Egypt and were brought to and given this land by YHWH. The kinsperson is the one who shares this story, this origin, regardless of any shared ancestry. While YHWH demands that Israel love the resident alien, the foreigner is not an Israelite, whether they are traders or foreigners in need of subsistence loans. They do not worship YHWH exclusively and they do not share the salvific history, nor do they recognize the sovereignty of YHWH. They may be beneficiaries of YHWH's blessing, but they are not the direct

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<sup>46</sup> While it is YHWH's relationship with Israel that informs these concerns within the Hebrew Bible, whether in Deuteronomy or other law codes or the prophets, this trend is seen throughout the ancient Near East and is not unique to Israel or Judah.

<sup>47</sup> C. L. Crouch, *The Making of Israel: Cultural Diversity in the Southern Levant and the Formation of Ethnic Identity in Deuteronomy*, VTS 162 (Leiden: Brill, 1982), 118.

<sup>48</sup> Crouch, *The Making of Israel*, 138. Cf. Bennet, *Injustice Made Legal*, who claims "that the attitude of the *gēr* toward the culture of the mainstream is the issue that delimited this type of individual in the biblical communities." That is that the resident alien is not a part of the in-group specifically because they do not participate in the YHWH-only or –centered cult (45-46).



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recipients. YHWH's Šemittah applies to those who recognize YHWH's sovereignty and exclusivity, the community which holds YHWH as their god, and so those loans made to non-Israelites are not released in YHWH's Šemittah. The Hebrew slave is the one who shares the story of having been ransomed from Egypt, and so YHWH demands their release as the one who has already ransomed them, but no such protection is provided for the non-Hebrew slave.

### *Šemittah Year, Torah, and Joy*

As has been mentioned, during the Festival of Booths in the Šemittah Year, the community is to gather for the reading of the Torah (Deut 31:10-13).<sup>49</sup> During this year of release and generosity, the community is able to enjoy a financial reset, and the needy are able to recover from a particularly heavy burden on top of their subsistence needs. It is during this communal reset of the debt-cycle that the community is to hear "all this Torah" (Deut 31:11). This reading is so that they and their children may "hear and so learn to revere YHWH your God and to observe faithfully every word of this Torah" (Deut 31:13, 14). Through this reading the next generation may share in the mytho-history and recognize the sovereignty of God and, through this, maintain the community of Israel. By connecting the reading of the Torah to the Šemittah Year, the return is then, not just a return to "the mother," a restoration of the poor. Instead, the whole community returns to YHWH, as they once again learn to revere YHWH as their one and only god.

This reading of Torah during the Festival of Booths rather than any other festival during the Šemittah Year is likely not just because the community is already gathered at the place that YHWH has chosen (Deut 16:16, 31:11). In the description of the Passover, the people are also commanded to gather "at the place where YHWH your God will choose to establish the name" (16:6), and they are also to gather there for the Feast of Weeks (16:11). If the reading of the Torah is merely due to the convenience of the people already being gathered in Jerusalem, either of the other two convocations could have been chosen just as easily as the Festival of Booths. Of course, one had to be chosen, but there are some reasons why the Festival of Booths was chosen. Whereas the Passover is described as a "solemn gathering" (16:8), the Festival of Booths is a time of joy and a celebration of the continuing promise of joy:

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<sup>49</sup> According to Brian Britt, "Deuteronomy 31-32 as Textual Memorial," these verses are part of a section which presents both the Torah and Joshua as potential successors to Moses. He combines the written Torah with the song of Deut 32, arguing that together they form a textual witness that will be "long-lived and enduring," survive in human experience and memory, be concrete, have a covenantal function, and have a composite nature that allows it to "take on broader and broader reference" (p. 371).

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You shall keep the Festival of Booths for seven day after you have gathered from your threshing floor and from your winepress. You shall *rejoice* in your festival, you, your son and daughter, your male and female slave, the Levite, the sojourner, the orphan, and the widow in your gates. For seven days, you shall hold a festival for YHWH your God in the place that YHWH will choose; for YHWH your God will bless you in all your produce and in all that you put your hand to, and you will surely be joyful! (Deut 16:13-15)

The Festival of Booths also celebrates and leads to YHWH's continuing blessing in "in all that you put your hand to" (וּבְכָל מַעֲשֵׂה יָדֶיךָ, 16:15) similar to the promise of continued blessing that comes from the observation of the Šemittah Year (בְּכָל-מַעֲשֶׂיךָ וּבְכָל מַשְׁלַח יָדְךָ, 15:10). In

Deuteronomy, the Festival of Booths is a time of joy<sup>50</sup> and focused on YHWH's blessing, now and in the future. By connecting this festival, the one of joy, with the Šemittah Year and the reading of the Torah, both are also connected to the joyful nature of the festival. While Deut 15:1-11 warns against an attitude that leads to the withholding of generosity and aid for the needy, Deut 31:10-13, with Deut 16:13-15 in the background, makes the time of the remission of debts a time of communal renewal and rejoicing. The forgiveness of debt goes hand in hand both with the reverence to YHWH and obedience to the covenant with YHWH and with the joy of the Festival of Booths.

## Conclusion

The aspirations of the Šemittah Year were certainly never realized: even during the height of the Northern Kingdom, the promise of Deut 15:6 that the nation would dominate the nations around them, giving them loans but never taking any out themselves, would have been improbable, and the prophets make it clear that the poor were, indeed, always present (Deut 5:11). Whether the Šemittah Year was ever enacted, the septennial forgiveness of debts was meant to be a joyful restoration of the community. The law stands as both a commandment and an invitation. By pairing the Šemittah Year with the reading of the law, Deuteronomy shows that the renewal of the covenant between the people and YHWH cannot be separated from economic and social justice. Through connecting the Law of Slave Release with the Šemittah Year, this joyful renewal extends beyond the septennial year, to the manumission of individual slaves. These are times of generosity and care for fellow Israelites, reminders of YHWH's blessing and salvation, and active participation in the maintenance of a blessed and joyful community.

<sup>50</sup> According to Alan Cooper and Bernard R. Goldstein. "The Development of the Priestly Calendars (I): The Daily Sacrifice and the Sabbath," 5, "the concept of cultic rejoicing expressed by forms of שמחה" is a Deuteronomic innovation.

## Excursus 2: A Clean-Slate Act in Nehemiah 5:1-13

### Introduction

Between the narratives of the wall-building effort led by Nehemiah in chapters 4 and 6, the Nehemiah Memoir includes a story about economic conflict among the Judeans (יהודים). In the context of the Year of the Jubilee and the *Šemittah* Year and Law of Slave Release, this story is often examined related to whether it demonstrates knowledge of these laws and, through that, its relevance to the question of dating. Alongside this question, the brief inclusion of the 7<sup>th</sup> year regulations in Neh 10:32, is pointed to as in indication that Nehemiah may be familiar with the laws of Deut 15 but that there is no evidence of knowledge of Lev 25.<sup>1</sup> The minimal nature of Neh 10:32 along with the different nature and context of the so-called reform of Neh 5:1-13 does not provide enough data to argue that the Holiness Code post-dates Nehemiah or was not known by the author(s) of Ezra-Nehemiah.

More interesting to the current project is the question of how the narrative of the Nehemiah Memoir utilizes the clean-slate traditions to further its agenda. Due to its placement between portions of the wall narrative, scholars have, understandably, raised the possibility that Neh 5 is part of a later redactional layer within Nehemiah Memoir.<sup>2</sup> The question remains as to why this story was included, whether by the original author or a redactor. What does this story add to the narratives about Nehemiah and his governorship? If Nehemiah is, in fact, proclaiming a kind of clean-slate act, what purpose does this story serve? In order to propose an answer to these questions, we will briefly examine the narrative, the vocabulary of the story, and how the ancient Near Eastern traditions may inform an understanding of the Nehemiah Memoir.

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<sup>1</sup> For an interpretation of Ezra-Nehemiah as having known and even used material from Leviticus, both the Priestly source and the Holiness Code, see Hannah K. Harrington, "The Use of Leviticus in Ezra-Nehemiah," 1-20. Of particular interest to Harrington is the description of the booths for the Festival of Weeks in Neh 8:14-16 and their similarity to Lev 23:40 and the tithe of wood in Neh 10:35.

<sup>2</sup> For a summary regarding the discussion of the boundaries and redaction history of the Nehemiah Memoir, see Sean Burt, *The Courtier and the Governor: Transformations of Genre in the Nehemiah*, particularly 34f, in which he discusses the *Mauerbau-Erzählung* Hypothesis. According to Burt, the hypothesis cannot be completely correct in excluding all non-wall related texts from the first level of the Nehemiah Memoir, and not all of the scholars which Burt refers to exclude Neh 5:1-13 from the original core of the Nehemiah Memoir (cf. H. G. M. Williamson, *Ezra, Nehemiah*).

## The Narrative

The story of Neh 5:1-13 is a story of economic disparity within the Judean community. Most of the conflict in the Nehemiah Memoir is between the Judeans and Sanballat the Ḥoronite, Tobiah the Ammonite, and Gešem the Arab. Even the building of the wall symbolizes separating Jerusalem from the other nations to the point that the enemy officials equate it, or at least pretend to, with “rebelling against the king” (2:19). Here, however, the narrative repeatedly states that all of the parties involved are members of the Judean community; this is an entirely internal conflict and unlike the delimitation of who counts as a member of a community seen in Neh 13. The people cry against their Judean kin (אֶל־אֶחָיוֹתָם הַיְּהוּדִים, v. 1); state that their flesh is the same of those taking advantage of them (וְעַתָּה כְּבָשָׂר אֶחָיוֹתָם בָּשָׂרֵנוּ, v. 5); and Nehemiah restates the kinship in his rebuke (v. 8). This internal conflict, situated between external threats predicated on the building of the wall, serves to highlight that not only is something different going on but that it is as essential to the restoration of the community as the wall itself.

The complaint that the people bring against their Judean kin is that the wealthy members of the community are taking advantage of drought conditions to enrich themselves and further impoverish those in need.<sup>3</sup> The description of the plight of the indebted in Neh 5:2-5 is familiar to us, as it reflects the debt-cycle that we have already examined in ch. 2. Subsistence farmers need to take loans to meet their food needs and their tax burden at a time when their arable land is unable to support them, in this case, due to a drought. As a result, they are losing control of their land, and their dependents have to work for others. It is possible that these are antichretic loans in which labor was in place of interest rather than foreclosures on unpaid loans. Even so, the impoverished members of the community who are struggling to meet their basic needs have lost access to critical resources needed to meet those needs. Whether they have lost the land itself or just its usufruct, the effect in the short-term is very much the same; they “are powerless” and their “fields and vineyards are for others” (Neh 5:5).

When Nehemiah learns of this, he is angry and calls an assembly to rebuke the people, admitting to his own complicity and calling on them to return the fields, vineyards, orchards, and houses

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<sup>3</sup> Philippe Guillaume, “Nehemiah 5: No Economic Crisis,” argues that this is not a debt crisis or even about some members of the community taking advantage of those in need. Rather, he claims that it is an ongoing conflict about unfair division of labor. This argument is based on a misunderstanding of how debt functioned in the ancient Near East, as he claims that credit would not be extended to impoverished persons and that having land is incontrovertible evidence of wealth. For a thorough rebuttal of his argument see, Peter Altmann, *Economics in Persian-Period Texts*, 261f.

## Excursus 2: A Clean-Slate Act in Nehemiah 5:1-13

as well as the money and produce taken from them. Dependents taken into debt-slavery or service to another household are not included in the command in Neh 5:11, but in v. 8, Nehemiah points out the irony of the work they had done to bring back those Judeans who had been sold to foreigners only for those same kinspersons to be sold to their fellow Judeans. It can be implied that the command of v. 11 includes dependents returning to their own families. In response, the people promise to restore and seek nothing more (v. 12), with the threat that God will “shake out” any who do not keep this promise just as Nehemiah shook out his garment (v. 13). The story ends with the simple statement that the people did so, and the matter is not raised again throughout Nehemiah.

## The Vocabulary

Though the intention here is not to prove any direct connection between the story of Nehemiah’s clean-slate decree and either Lev 25 or Deut 15:1-18, a very brief examination of the terms used in Neh 5:1-13 is useful for a better understanding of the text and its connection to other clean-slate texts in the Hebrew Bible. Though there are a few similarities, some of the keywords that might be expected if there were direct dependence are missing. Despite that, the genres are different enough that this lack should not be taken to prove that the author of Nehemiah was unaware of the clean-slate traditions as presented in the Holiness Code or Deuteronomy. Moreover, there are a couple of keywords that do connect the narrative to the biblical clean-slate traditions.

In v. 8, Nehemiah uses the *niphal* of מִכָּר in his rebuke of the elite of Jerusalem twice, to describe those Judeans who were or had been slaves:

And I said to them: “We have brought back our Jewish kin who have been sold (הַנִּמְכָּרִים) to the nations, as much as was needed, and would you still sell your kin, and they be sold to us (וְנִמְכְּרוּ לָנוּ)?”<sup>4</sup> They were silent, for they found nothing to answer. (Neh 5:8)

This form, discussed previously, does occur elsewhere within the Hebrew Bible outside of Lev 25 and Deut 15:12-18: Exod 22:2 as a consequence for theft; Isa 50:1 and 52:3, both usages describing the situation from which YHWH will rescue the people; Ps 105:17 to describe God’s providence in Joseph having been sold as a slave into Egypt; and twice in Esth 7:4 in Esther’s accusation against Haman. While this form is not unique to the clean-slate laws and stories, it remains a little-used form, providing a lexical connection between these passages and the laws, or the ideas, of the Year of Jubilee and the Law of Slave Release.

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<sup>4</sup> The NRSV translates this as “who must then be bought back by us.”

## Excursus 2: A Clean-Slate Act in Nehemiah 5:1-13

Only in Deut 15:2 is the term for a loan, **לוֹאֵן**, used. Neh 5 uses the word **נִשְׁאָה**, “interest,” a term used only in Nehemiah (5:7, 10; 10:31). Neh 10:31 is widely accepted as being a reference to the *Šemittah* Year of Deut 15:1-11, as it prohibits the collection of debt, or perhaps just interest, in the 7<sup>th</sup> year. It seems very unlikely that the author of the Nehemiah Memoir was not at least familiar with the *Šemittah* Year of Deuteronomy, whether or not they had the text in front of them. More importantly, this connection indicates that the author of the Nehemiah Memoir intended this episode to serve as a clean-slate act.

Like Zedekiah in Jer 34, Nehemiah declares a clean-slate act outside the cyclical acts of YHWH. The acts of Zedekiah and Nehemiah differ from the Year of Jubilee and the *Šemittah* year in that they are enacted by a ruler—king and governor respectively—rather than by the people apart from any individual authority other than YHWH. These stories may end in different ways: the covenant of Zedekiah and his officials lasts only long enough for YHWH to turn back the army of Nebuchadnezzar (Jer 34:11), whereas Nehemiah’s clean-slate episode ends with Nehemiah’s curse against any who fail to keep the promise (Neh 5:13). It is not clear that this promise is meant to refer to future loans or to only returning that which had already been taken and forgiving existing debts. Nor does the narrative of the Nehemiah Memoir say whether the people did, in fact, keep this promise. This episode is never mentioned again, and so both its immediate effectualness and continuing effect is unknown.<sup>5</sup> In addition to the similarities in these stories, there is a linguistic connection between them. These two stories of a ruler declaring a release are, along with 2 Chr 28:10, the only place in the Hebrew Bible in which the word **כָּבַשׁ**, “subjugate, subdue,” is used alongside **עֶבֶד**, “slave, servant.” This seems like an unlikely coincidence and, along with the other similarities to and intended contrasts with, the Zedekiah story, suggests that the author of the Nehemiah Memoir is familiar with the story of Jer 34.

These last two examples, more so than the *niphal* of the verb **נִכַּר**, may suggest some level of dependency, at least on Deuteronomy and the Deuteronomistic tradition in Jeremiah. What is more important, is that these terms root the story of Neh 5:1-13 firmly in the biblical tradition of clean-slate acts.

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<sup>5</sup> See, Lester L Grabbe. *A History of the Jews and Judaism in the Second Temple Period, Vol 1*. (London: T&T Clark, 2004), 302f., who argues that Nehemiah’s reforms do not provide any future protections for the poor and, in fact, make it less likely that they will be able to take out loans in the future.

## Shared Themes

Different but thematic terms connect Neh 5:1-13 to Deut 15:1-18. As these terms are different, they cannot be used to make an argument for the direct dependence of the Nehemiah on Deuteronomy,<sup>6</sup> nor is that the goal of this project. For the understanding of the function of Neh 5:1-13 in the Nehemiah Memoir, these terms are worth addressing. As was seen in ch. 7, the law of the *Šemittah* Year includes a warning about withholding help from the needy, such that they cry out (יִקְרָא) to YHWH and the failure to help is accounted as sin (Deut 15:9). The story of Nehemiah's clean-slate act begins with the people crying out (צִעֲקָה) due to the oppression caused by their Judean-kin (Neh 5:1). The words used are different, and indeed, in Neh 5:1, the outcry of the people is not explicitly directed to YHWH, despite what may be expected of the root צִעַק, and it is Nehemiah rather than YHWH who intervenes. Nor does Nehemiah, in his accusation of the nobles and officials or in the assembly of all the people (Neh 5:7-8), his call to action (Neh 5: 10-11), or his curse against those who do not keep this promise (Neh 5:13), use the language of sin. Yet Neh 5 echoes the warning of Deut 15:9. The economic oppression, whether in taking advantage of subsistence debts or in withholding aid that will not be repaid, is an injustice that causes hardship and against which the needy cry out in their desperation and which causes a break within the community.

In Neh 5:9, Nehemiah convicts the assembly and charges them to be better so as not to draw the taunts of the nations around them:

And I said, "This thing which you all are doing is not good. Should you not walk in the fear of our God because of the reproach of the nations, our enemies?"

Though the appeal is that the Judeans as a community should show themselves to be better than the nations around them, depicted as their enemies, the not-good thing they are doing is contrasted to behaving according to the fear of God. In Lev 25, the appeal to the fear of God is made three times: in not cheating one another in land sales (Lev 25:17), in not charging interest or making a profit from a dependent kinsperson (Lev 25:36), and in not ruling over an Israelite not-slave harshly (Lev 25:43).<sup>7</sup> While the concept of the fear of God is not unique to either the Holiness Code or the Nehemiah Memoir, Nehemiah makes an appeal similar to that in the Year of Jubilee legislation, arguing that the misuse of the poor for profit and gain is a lack of reverence or respect for their God. The conflict of Neh

<sup>6</sup> Cf. Altmann, *Economics*, 269, where he argues that Neh 5 accords with the "societal visions" of Deut 15 and Lev 25, particularly in its call for a communal kinship ethic

<sup>7</sup> See Titus Reinmuth, *Der Bericht Nehemias: Zur literarischen Eigenart, traditionsgeschichtlichen Prägung und innerbiblischen Rezeption des Ich-Berichts Nehemias*, 141, who points out that it is only here that the specific issues of the sale of land, interest, and slavery are connected with the fear of God.

5 and Nehemiah's reforms are not just an issue of internal conflict or social and economic reform, but a religious matter, and even here, Nehemiah acts as a religious reformer.

### The Nehemiah Memoir as Self-Presentation and Propaganda

As early as 1923, Sigmund Mowinckel argued that the Nehemiah Memoir was related to the memorial inscriptions of the ancient Near East.<sup>8</sup> These inscriptions were instruments of self-presentation and propaganda, and the audience for these memorials was not just the people over whom they ruled but the gods. The memorials called for the gods to remember them and were attempts to prove to the gods that they had fulfilled the roles set by them when the gods chose them to be the kings. These memorials often celebrated the defeat of enemies, building projects, giving of laws, and clean-slate decrees as well as other claims to have protected the weak from the powerful.

All of these elements can be seen in the Nehemiah Memoir, and Iain Duguid argues that the Nehemiah Memoir meant to portray Nehemiah in the role of a pious king, despite his role as a governor and an appointee of the Persian government.<sup>9</sup> Though Nehemiah does not lead the army of Yehud into battle against the surrounding people or conquer anyone, the moment he enters the land, the reader is introduced to his primary enemies: Sanballat the Horonite and Tobiah the Ammonite<sup>10</sup> (Neh 2:10). These men, along with Geshem the Arab (Neh 2:19), would not only be opponents of Nehemiah but of his building project: the wall around Jerusalem. In Neh 4, Sanballat, Tobiah along with the Arabs, the Ammonites, and Ashdodites, planned to attack the almost complete wall, but through prayers and Nehemiah's leadership, they were turned back. Neh 4:9 suggests that the fact that the plan was known and the people were prepared was enough to frustrate the plans of their enemies:

And when it was that our enemies heard that it was known to us and that God had frustrated their plan, we returned, all of us, to the wall, each to his work.

Nehemiah then sets a watch on the wall, and while no battle was engaged, his leadership is proven successful in defeating—or at least frustrating—the enemy armies. Nor do they attempt to attack the wall again, though they do continue to conspire against him and even attempt an ambush that Nehemiah is clever enough to see through (Neh 6).<sup>11</sup> Though Nehemiah is not presented as leading

<sup>8</sup> Sigmund Mowinckel, "Die Vorderasiatischen Königs- und Fürstenschriften," 31-42.

<sup>9</sup> Iain Duguid, "Nehemiah – The Best King Judah Never Had," 261-271.

<sup>10</sup> In Neh 2, Tobiah is described as "the Ammonite servant," (v. 10, 19) though his description as a servant does not appear outside ch. 2.

<sup>11</sup> Burt, *Courtier and Governor*, proposes that the Nehemiah Memoir belongs to the genre of ancient Near Eastern memorials but also to the court narrative, and these stories of Nehemiah thwarting the enemies, fellow officials of the Persian emperor, through cleverness, fits well within both. It serves as the propaganda of Nehemiah



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troops to conquer foreign territories, through divine intervention and his own leadership and cleverness, he thwarts the enemy. This is different from the kinds of military battles seen in the memorial inscriptions but demonstrates both that Nehemiah is wise and that he has the support and patronage of the god.

Nehemiah is probably best known for the wall that he leads the people in the building, and this building project makes up the bulk of the Nehemiah Memoir. In fact, it is the destruction of the previous wall that serves as the impetus for Nehemiah to go to Yehud (Neh 1:3-4). The building of the wall is so central that scholars have argued that the building of the wall should be the rule for determining what truly belongs to the Nehemiah Memoir. The conflict with Sanballat, Tobiah, and Geshem is not limited to the building of the wall, but much of it centers on it, and Neh 3 is a list of all the individuals and families who worked on the wall. Though the Nehemiah Memoir emphasizes that though it was a communal activity, Nehemiah is the one who leads the project (Neh 2:17-18) as well as the one who thwarts the enemies who would hinder the project. The wall is genuinely Nehemiah's building project according to the Nehemiah Memoir.

The most apparent evidence that the Nehemiah Memoir serves as a self-presentation and propaganda before God comes in the use of pleas that God remember Nehemiah and the work that he has done:

Remember me, my God, for good, all the work that I have done for this people (Neh 5:19).

Remember me, my God, on account of this, and do not wipe out my faithfulness (אֱמִינָה) for the house of my God and for its watch (Neh 13:14).

Then I said to the Levites that they should purify themselves and come and guard the gates to sanctify the Sabbath day. Remember me for this also, my God, and spare me according to your great faithfulness (אֱמִינָה) (Neh 13:22).

and

Remember me, my God, for good (Neh 13:31b).

Nehemiah's call to be remembered for his acts and his faithfulness is not made to the people of Yehud. Instead he calls upon God to look at what he has done: the clean-slate act and his moderation yet generosity in his feasts as the governor (Neh 5:14-18), restoration of the temple (Neh 13:7-13), preservation of the Sabbath (Neh 13:15-21), and his removal of that which was foreign, including people, from Yehud alongside providing wood for the altar (Neh 13:23-31a). While it cannot be denied that the Nehemiah Memoir is meant to serve as a record of Nehemiah having been a good governor,

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overcoming enemies to protect the god's people and temple as well as outsmarting enemies among his colleagues who would have him brought down. See also Donna Laird, *Negotiating Power in Ezra-Nehemiah*. 20ff., in which she describes the Nehemiah Memoir as a "hero's tale" similar to that of Daniel and Esther.

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regardless of its historical accuracy, to the people who would read it,<sup>12</sup> in the Nehemiah Memoir, Nehemiah calls upon God to remember him. The Nehemiah Memoir serves as Nehemiah's apologia that he did what God set before him as God's righteous governor, his defense before God.

Within this is Nehemiah's clean slate act in Neh 5:1-13. Just as Mesopotamian kings listed their clean-slate acts among their acts of just and wise rulership over the people that the gods had entrusted into their care as shepherds, so does Nehemiah.<sup>13</sup> Like the ancient Mesopotamians, he also links this act to his reduction of the tax burden as compared to those who came before him (Neh 5:14-15, 18). These acts are as crucial to his self-presentation before God and the people as the building of the wall that dominates the Nehemiah Memoir. It is noteworthy that Nehemiah confesses that he too was guilty of "lending money and grain" as he calls for an end to interest-based loans and the return of each person as well as that which was taken from them. In establishing this promise among the people to not misuse their kinspersons in need, Nehemiah does not exclude himself from having been complicit in the harmful behavior. Whether this is a rhetorical device or evidence that he leads by example, this confession does not take away from Nehemiah's self-presentation as the one enacting the reforms and bringing about justice. The fact that he too was guilty and made a sacrifice in the name of justice and the fear of God, as continued in Neh 5:14-18, in which he does not take his due as Governor, or at least appears to make sacrifices only serves to legitimize his power.<sup>14</sup>

## Conclusion

Nehemiah 5:1-13 stands within the clean-slate traditions of the Hebrew Bible. Unlike Zedekiah's slave release that was immediately rescinded, at least to all intents and purposes, there is no indication that Nehemiah's reform had only a temporary effect. In fact, while it is never brought up again, the *Šemittah* Year is included in the laws of the covenant in Neh 10 and Neh 5:13 closes the episode with a curse given by Nehemiah, warning dire consequences for anyone who does not keep the promise.

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<sup>12</sup> In addition to borrowing from the self-presentation of kings and, potentially, the court narrative, Donald Polaski, "Nehemiah: Subject of the Empire, Subject of Writing," 37-59, observes the impact that being both a member of the colonized community and a servant of colonizer affects how Nehemiah presents himself throughout the Nehemiah Memoir specifically in his use of the "essential technology of the empire: writing (59).

<sup>13</sup> Lester L. Grabbe, "What Was Nehemiah Up To? Looking for Models for Nehemiah's Polity," 36 concludes that Nehemiah was following ancient Near Eastern views on what it meant to be a "righteous king or righteous official."

<sup>14</sup> Laird, *Negotiating Power*, 243-44. She also notes that while Neh 5 may help to present a legitimate ruler to the people and to God, that, as seen in ch. 3, such a manumission and remission of debts would provide the stability for there to be a work force, in this case to work on the Nehemiah's wall (242).

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Whatever happened following this episode, the reader is to understand that the reform was in earnest and would remain binding upon the people long after the events of the narrative.

Regardless of whether the act is a historically accurate report, within the context of the Nehemiah Memoir, it serves to reinforce Nehemiah's legitimacy as governor, both before the people and before God. Though this episode interrupts the story of the building of the wall, it is crucial to see Nehemiah's economic reforms, both in his clean-slate act and in his lightening of the tax-burden, as part of the good that Nehemiah does for the people of Yehud. The courtier of the emperor, his cupbearer, a man who is loyal to a foreign ruler, also proves himself worthy of being the governor of God's people, of being able to have their trust and to challenge them on issues of purity. The Nehemiah Memoir, including Neh 5:1-13 answers the question of why the people of Yehud should follow a servant of the empire and if Nehemiah can be both a servant of the empire and of God.

## Chapter 8: Comparisons and Conclusions

### Introduction

In agricultural societies where vagaries that could affect yield were abundant, most persons were subsistence farmers and lived on a razor blade between sufficiency and poverty. In this setting, ancient Near Eastern cultures developed methods to provide some level of stability, necessary not just for the population but for the nation as a whole. In ancient Mesopotamia, these solutions included semi-regular clean-slate edicts issued by the kings. Though we have few surviving exemplars of these edicts, we know that the basic idea was that debt-slaves are released, sold property is returned to the original owner, and debts are forgiven. The principal was that of *ama.ar.gi<sub>4</sub>*, (Sum. “return to the mother”). These edicts reflect the rulers’ recognition that a free population able to own and work their own land was essential for their own power and legitimization as king and maintained the pool of citizenry available for taxation, corvée, and military duty. Though the clean-slate edicts provided political advantages for the issuing king, they were also benevolent acts that protected individual citizens.

Within the Hebrew Bible, the Holiness Code and Deuteronomy both contain clean-slate acts that are part of the broader ancient Near Eastern traditions. Much of the ethic remains the same for the clean-slate edicts of ancient Mesopotamia and the biblical clean-slate acts: concern for the poor and impoverished, protections for citizens from poverty, and the maintenance of a stable and functioning society. However, neither the Year of Jubilee in the Holiness Code (Lev 25) nor the *Šemittah* Year and the Law of Slave Release in Deuteronomy (Deut 15:1-18) exactly parallel these traditions. Instead, they recast those traditions according to their own agendas and theologies. These distinctions in comparison with the ancient Mesopotamian clean-slate edicts reflect their theological and ideological perspectives. The clean-slate acts of the Holiness Code and Deuteronomy, also differ from each other, and that which they have in common along with their differences also reveal more insight into the respective theologies of the Holiness Code and Deuteronomy.

This final chapter seeks to explore the theological and ideological ideals revealed by these comparisons, both of the biblical clean-slate acts with the ancient Near Eastern traditions and between themselves. The key differences between the biblical acts and the Mesopotamian edicts are the absence of a king or individual agent who declares a clean-slate edict and a calendrical cycle built around 7-years; on the other hand, along with the clean-slate edicts, they contain an exclusivity for specific people groups, Israelites in the Holiness Code and Deuteronomy. The comparison of the biblical laws

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demonstrates that while community is essential for both the Holiness Code and Deuteronomy, the role of the community and its relationship to YHWH is the theological focus for Deut 15:1-18 while Lev 25 is primarily concerned with YHWH's sovereign relationship over both the people and the land. Though the foci are different, the care for the poor and needy and just economic and social relationships, stand at the center of their theology and ideology.<sup>1</sup>

### Divine versus Human Agency

In chapter 5, we examined the absence of a king in the Holiness Code and Deuteronomy's clean-slate acts from the perspective of authorship. The removal of a king, especially without any single human authority or institution serving as a replacement, cannot merely be examined from the issue of who would benefit from the lack of a named human authority within these laws, especially as priests or other authoritative parties are never mentioned in either Lev 25 or Deut 15:1-18 in any other role. Instead, the authors provide a calendrical cycle for the declaring of liberty or remission. The responsibility for observing the Year of Jubilee and the *Šemittah* Year falls onto the community. This change emphasizes the relationship between the god and the people by centering YHWH's divine agency and removing a mediating authority.

For ancient Mesopotamia, the clean-slate tradition not only allowed for the forgiveness of debts and restoration of freedom and return of property but rather, according to Westbrook, were the "the broadest and most complex form of legislation" affecting the population directly.<sup>2</sup> These acts were understood to establish justice or equity throughout the land and were a crucial element of a king's self-presentation as a king of justice. The fact that they were effective can be seen in the fact that they are referred to in loan contracts, often in an attempt to bypass the effect of a clean-slate decree on the loan in question. The real economic impact of these edicts on the actual lives of indebted and impoverished individuals and the empire makes it easy to understand how they served as a kind of propaganda for the king. By improving the lives of the poor and restoring them to freedom and full citizenship with the land needed to provide for the subsistence needs of their households, the king gains a broad base of support from those who owe their freedom and, admittedly limited, independence to him. He becomes viewed as a king who truly cares about justice, applying it to the poorest and most vulnerable of the citizenry

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<sup>1</sup> It is this centering for the poor and needy that causes Richard H. Hiers, "Biblical Social Welfare Legislation: Protected Classes and Provisions for Persons in Need," to suggest that the Biblical laws, not just of Lev 25 and Deut 15 can provide one example for a post-modern secular world to begin to address questions of a just society concerned about the welfare of all.

<sup>2</sup> Raymond Westbrook, "The Character of Ancient Near Eastern Law," 15.

and protecting them from those who would take advantage of them. By the Old Babylonian era, this tradition became an expected part of a king's inaugural year, though a king maintained the discretion to issue additional clean-slate edicts at any point in his reign. This act of justice became one of the touchstones for the claim that the king is a king of justice.

As was examined in Chapter 3, the ancient Mesopotamian kings were understood to be affirmed and established by the gods, who entrusted them with the shepherding of the people. Observed by the gods to be wise and just, the king is then claimed by the gods in ways often described as adoption, marriage, or both.<sup>3</sup> The claim of being chosen and the beloved of the gods was not sufficient without acts that provided the proof of this relationship and of their worthiness, and the king was expected and even required to make a clean-slate act. For those who would have personally experienced the privilege of being able to return to their own land or to be able to work it for themselves rather than a creditor; whose family and dependents, or even they themselves, were released from slavery; and whose full rights as a citizen are restored, the king's justice and election by the gods is demonstrable and tangible. It comes as no surprise that these kings tend to list their clean-slate decrees among their accomplishments alongside celebrations of their military victories and conquests.

It would be overly cynical to claim that the primary purpose of these clean-slate edicts was propaganda. An administrative infrastructure was in place to assure that the edicts were correctly carried out and to examine contracts to determine whether the edict applied to a given case.<sup>4</sup> The Edict of Ammiṣaduqa (AS) contains specific provisions against attempts to defraud a debtor whose debt must be forgiven, up to and including the death penalty (AS §7). It was no easy matter for creditors to negate the effect of the clean-slate edicts—and even the oft-attested inclusion of an exemption clause would not likely suffice—as there were officials to judge over the matter and decide whether the debt would be forgiven and the tablet broken.

Though both the Year of Jubilee and the *Šemittah* Year remove the king from their clean-slate acts, the narratives of clean-slate acts in the Hebrew Bible center the actions of the ruler. In Jer 34:8-22 the release of slaves was enacted by King Zedekiah and, in v. 14, YHWH seems to acknowledge that this commandment that slaves be released at the end of the seventh year had never been heeded. While the assertion that a slave release had never been enacted could be meant to heighten the tension and highlight Zedekiah's failure, this passage attributes the only instance of a clean-slate act in either Israel

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<sup>3</sup> Dynastic succession was an important factor in the legitimacy of the king, but "the hereditary principle could be overridden by divine selection, the opposite was not true; accession by hereditary right had, at the very least, to be ratified by the gods" (Westbrook, "The Character of Ancient Near Eastern Law," 25).

<sup>4</sup> Westbrook, "The Character of Ancient Near Eastern Law," 16.

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or Judah's pre-exilic history to a king and his officials. The one time that this command had finally been obeyed it failed, either intentionally or naturally. Either Zedekiah only intended to justify his kingship before YHWH in the hope that YHWH would protect Jerusalem from the King of Babylon (Jer 34:1-5) or, though an act of desperation to win YHWH's favor and protection, Zedekiah and his officials intended for the slave release to be effective and merely failed to take the appropriate precautions to protect the newly emancipated. In either case, those who had been set free were shortly returned to slavery (Jer 34:11). Though this story serves as a polemic against Zedekiah and justifies YHWH's ultimate decision to punish him (Jer 34:21), his officials (Jer 34:17-20), and Jerusalem (Jer 34:22), it also demonstrates the problem with having a human authority as the agent for the declaration of a clean-slate act. Such an act decreed by YHWH and enacted by the community should, ideally, be free of the ineffectual reality of Zedekiah's decree.

The clean-slate of the biblical law codes acts do not recognize the role of the king in declaring these acts. The question of what group, whether priests or scribes, benefits from the removal of the king from this role is important for understanding their immediate historical context, but not necessarily for the broader questions of theology and ideology. The conclusion that the king was removed solely for the purpose of increasing the power of one of these groups or to simply supplant the king with the temple and the cult in the lives of the populace assumes that there could be no theological stake beyond the influence of the temple or other political motives. This would make the removal of the king nothing more than a play for power. The priests are never explicitly mentioned in either law, but rather it is the congregation, the collective "you" (Lev 25:10; Deut 15:1), that is commanded to enact these laws. While it may be unlikely these laws could have been effectively carried out without the priests or scribes, neither Lev 25 nor Deut 15 mention them even as in administrative roles to manage disputes.<sup>5</sup> Taking the texts seriously, then, requires that we consider more than a power struggle between the palace and the temple or even the necessity of rebuilding the community without a king in post-exilic Yehud.

In the ancient Mesopotamian traditions, the clean-slate acts were a practical and tangible expression of the king's wisdom and justice. These qualities were directly connected to their relationship with the gods. They were the basis of what drew the gods' attention and then affirmation and which the gods, in turn, increased. However, the credit for the act itself belonged solely to the king. In fact, the Edict of Ammišaduqa does not attribute the act to any god, though it does recognize the role of Enlil in

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<sup>5</sup> Lev 25 does, of course, address the cities of the Levites, but not in the context of them having any role or authority regarding the Jubilee, but rather to protect the ability of their houses to be redeemed after a year.

his kingship and compares Ammišaduqa to Šamaš (AS §3).<sup>6</sup> Since the cheated debtor brings their witness to testify before the god, the edict cannot be said to ignore the role of the gods in the clean-slate edict, but the credit for the act itself belongs solely with the king.

While the responsibility for declaring the Year of Jubilee or a *Šemittah* Year lies solely with the congregation, the people of Israel themselves, YHWH serves in the place of the king; the clean-slate edict is not the expression of the justice bestowed upon the king by the gods; it is not mediated through any human actor but comes directly from God. For Deut 15, the remission declared in the *Šemittah* Year is “YHWH’s remission” (v. 3). Though Lev. 25 does not likewise call the Jubilee YHWH’s, it is YHWH who institutes it with the law (Lev 25:18), through it the very identity of YHWH as Israel’s god is legitimized “I am YHWH your God” (Lev 25:17), and it is holy (Lev 25:12). The authority behind these laws is not with any persons or institution, whether the king, the priests, the scribes, or even the congregation that declares the year but instead with YHWH alone. For though it is the “you” of the congregation that makes the remission of debts or makes holy the Year of Jubilee and proclaims release throughout the land, they do so according to a calendar and at the direct command of YHWH. There is no intermediary whose agency is required to occasion the clean-slate act.

By establishing the clean-slate act as a regular command of YHWH, the credit for it remains solely with God and the responsibility with the community rather than any single human agent or institution. According to Lev 25 and Deut 15:1-11, the neglect of these laws conveys guilt to the entire community, and following these commands brings a promise of blessing (Deut 15:4-5, 10) and living securely in the land (Lev 25:18). Just as the guilt of neglecting these laws falls upon the whole community, so too does the reward. While the ancient Mesopotamian king failing to declare a clean-slate edict would be a severe breach of tradition and perhaps even a slight against the gods, if the community fails to observe the biblical clean-slate acts, this is a communal failure to keep the law of God.

Further, these laws do not celebrate or even mention YHWH’s wisdom and justice but rather justify the clean-slate acts by centering on YHWH’s relationship with the people, as shown through YHWH’s actions toward them. While YHWH declares “I am YHWH your God” (Lev 25:38), the author of

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<sup>6</sup> See Chapter 3 for a discussion of AS §3.

The “market” of Babylon, the “markets” of the country(side), the *ra’ibānum*-officer, which in the ... tablet, are ... to the collecting officer—their arrears dating from the “Year in which King Ammiditana remitted the debts which the land had contracted” until the month of Nisan of the “Year: Ammisaduqa the king, Enlil having magnified his noble lordship, like Shamash he rose forth in steadfastness over his country, and instituted justice for the whole of his people”—because the king has invoked the *mīšarum* for the land... (Tr. J.J. Finkelstein, “The Edict of Ammišaduqa: A New Text,” 62).



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the Holiness Code does not make its well-known and characteristic appeal to YHWH's holiness or the reciprocal holiness required of Israel, as YHWH's relationship and history with Israel is reason enough. Instead of drawing upon the appeal to God's wisdom or justice as seen in the ancient Near Eastern clean-slate acts, these passages allow YHWH's actions, past, present, and future, to speak for themselves. God brought the enslaved Israelites out of the land of Egypt and brought them to a good land in which YHWH continues to bless them, to assure their continued emancipation, and to provision them through obedience to these laws. As Jer 34 clearly shows, the practical application of these laws likely required human agents, but the expectation of Lev 25 and Deut 15 is that the congregation will carry out these laws without the need of a mediating human authority and, through this obedience, will remain in right relationship with and receive the continued blessings of their God.

### Sabbath

Without a king or other institution in charge of declaring a clean-slate edict, both the Year of Jubilee and the *Šemittah* Year require another method to be enacted. Even though the ancient Mesopotamian clean-slate edicts became predictable as it was expected that a king would issue a clean-slate edict in his first regnal year, the edicts remained tied to the kingship, and kings could issue additional edicts at their discernment. In order to maintain YHWH's control over the Year of Jubilee, a method that was separate from those in power was necessary. In order to prevent any connection to a particular office or officeholder, both the Holiness Code and Deuteronomy establish fixed dates for the occurrence of the clean-slate acts, both based on 7-year cycles.

As the requirements of the priesthood and the chief priest are discussed in the Holiness Code (Lev 21), along with their roles in other cultic issues (Lev 22-24:9), it would have fit well with the rest of the Holiness Code to connect the Year of Jubilee to the chief priest. Num 35:9-34, often assigned to the Holiness Code, ties the law for the unintentional manslayer to the death of the chief priest. Lev 25 could have, similarly tied the Year of Jubilee to the anointing of the new chief priest. Even such a method would maintain YHWH's credit for the Year of Jubilee, though the chief priest would have served as a kind of intermediary. The chief priest would be the one associated with the Year of Jubilee, and it is not hard to imagine that, while the official theology would be that YHWH was the one behind the Year of Jubilee and the community the ones proclaiming it, the popular view would be that it was the chief priest who instituted the Year of Jubilee. This alternative, though it would not have been out of place within the Holiness Code and would have been closer to the ancient Near Eastern tradition, is rejected by the authors behind Lev 25.

The Year of Jubilee, the *Šemittah* Year, and the Law of Slave release are all built around seven-year cycles. For the Year of Jubilee, the Holiness Code makes the connection to the Sabbath explicit, as the law of the Sabbath Year that precedes the Year of Jubilee in Lev 25:2b-7 provides the calendrical foundation for the Year of Jubilee. Beginning the transition from this Sabbatical fallow to the Year of Jubilee, v. 8 reads:

You shall count off seven weeks of years – seven times seven years – so that the period of seven weeks of years gives you a total of forty-nine years.

Deut 15 does not use the word Sabbath, which, as seen in ch. 5 may provide some insight into the dating of Deuteronomy if the concept of Sabbath as a day of rest it is an exilic invention. However, the 7-year cycle of the *Šemittah* Year and the Law of Slave Release are both reminiscent of the idea of Sabbath. For both these laws, the seventh year, though not identical, is a time of cessation: loans are forgiven,<sup>7</sup> and the tenure of an individual slave is ended as they are set free. Whether the term Sabbath is used, both the Holiness Code and Deuteronomy use the 7-year cycle as a foundational element, establishing these acts of economic and social justice as a part of the holy rhythm of time and creation.

Strikingly, in the Law of Slave Release (and its analog in Exod 21:2-6), the six-year term of servitude for a Hebrew slave is double the tenure for debt-slaves in the Law of Hammurabi. LH §117 states that debt-slaves work for three years. If either the Covenant Code or Deuteronomy knew the specifics of the Laws of Hammurabi regarding slaves, then the theological impetus of the 7-year cycle or Sabbath seems to have trumped the humanitarian need to limit the duration of slavery. It is perhaps more likely that general cultural awareness of limited tenure for debt-slavery influenced these laws and that the pattern of 6-1 that governed work provided the perfect theological foundation for six years of slavery and a release in the seventh year, the pattern that would later be associated with the Sabbath. Despite the lack of the term Sabbath, there are parallels between the Law of Slave Release in Deut 15:12-18 and the Sabbath Law in Deut 5. These parallels provide the theological justification and foundation for this longer tenure of service. Deut 5:14 includes slaves in those covered by the sabbath rest, using repetition to emphasize slaves over other beneficiaries:

But the seventh day is a Sabbath to YHWH your God; you shall not do any work, you, your son or your daughter, your male or female slave, your ox or your donkey, or any of your cattle, or the sojourner in your gates, so that your male and female slave may rest as you do.

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<sup>7</sup> Deut 23:20-21 prohibits charging interest against fellow Israelites, so the loan should not have been for the purpose of profit but rather a generous act of aid. Either way, the debt aspect of the loan stops at the *Šemittah* year. See Chapter 7, (153-54), for a discussion of the question of whether Deut 15:1-11 requires the total forgiveness of a loan or simply a year's forbearance on the repayment of the loan.

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In addition to this emphasis on slaves, both male and female (see Deut 15:12, 17), in Deut 5, both the Sabbath Law and the Law of Slave Release ground their motivation in the exodus event (Deut 5:15; Deut 15:15). In accordance with the element of exclusivity discussed below, the Law of the Slave Release adds a distinction that differentiates it from the Sabbath Law. The sojourner is commanded to observe the Sabbath rest, but the Law of Slave Release only applies to the Hebrew slaves. Despite this difference, there can be little doubt of the connection between the Law of Slave Release and the Sabbath Law of Deuteronomy's decalogue.

Lev 25 adds an innovative element to the theology of the Sabbath even before it employs it as the building block for the Year of Jubilee. The purpose of the Sabbath Year is to provide rest, not for the people, whether the Israelites or sojourners or animals but rather for the land. The fallow year in Exod 23:10-11 does call for the land to rest but connects this rest to the provisions for the sojourner, the needy, and the servant<sup>8</sup> (Exod 23:11). Lev 25 expands upon the idea of the land itself resting, applying not only the word Sabbath that is absent from Exod 23:10-11 but referring to it with the superlative, as a *Shabbat Shabbaton*:

But in the seventh year, the land shall have a sabbath of complete rest (שַׁבַּת שַׁבְּתוֹן), a sabbath of YHWH. (Lev 25:4a)

The sabbath cycle of the land begins with the land observing a Sabbath:

When you enter the land that I assign to you, the land shall observe a Sabbath of YHWH. (Lev 25:2b)

The land as an active agent observing the Sabbath casts the Priestly understanding of the Sabbath as founded in creation (Gen 1) as the basis of the calendar for the agricultural cycle and the economic and social justice cycle of the Year of Jubilee. The Sabbath is a part of the divinely established world order, not just for humans and animals but for the very land itself.

Though the cycle is not connected to human authorities, we must note that neither the Holiness Code nor Deuteronomy divorce the clean-slate acts from the cult. In addition to the Sabbath cycle, the Year of Jubilee is declared on the Day of Atonement (Lev 25:9), a day in which the whole community is also returned to a state of holiness (Lev 16). In Deut 31:10-13, the *Šemittah* Year is used as the marker for the convocation at which the Torah is to be read “in the hearing of all of Israel” (Deut 31:11). At the Festival of Booths in the *Šemittah* Year, when the whole congregation is meant to come to the place of God's choosing, the Torah is to be read before all of Israel, including women, children, and sojourners, both as an act of returning to the law of YHWH and renewal and so that the children “shall hear and learn to revere YHWH” (Deut 31:13). Though divorced from human authorities and institutions, both the

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<sup>8</sup> Lit. “the son of your slave woman” (בֶּן-אִמְתְּךָ).

Year of Jubilee and the *Šemittah* Year are connected to the cult and represent a return to and renewal of a right relationship with YHWH.<sup>9</sup>

### Forward-Looking

There are problems with a known schedule for the clean-slate acts of the Bible, one that both Lev 25 and Deut 15 address, though with very different perspectives and solutions. A creditor who knows that the debt is to be forgiven before it can be repaid or that foreclosed property, including persons, must be returned to their rightful place in the next year or two before they have been able to profit, will be likely to take that into consideration and decide against making the needed loans or purchases. This reluctance would transform the Year of Jubilee and *Šemittah* Year into laws that harm the poor and needy rather than laws of economic justice and restoration.

A significant advantage for having the clean-slate acts dependent on the edicts of kings and, as such, being discreet acts in one set point in time is that there remains a measure of unpredictability. Though once the first regnal year became the standard, the failing health or intrigue surrounding the current king could signal an upcoming edict, a situation that the Edict of Ammišaduqa addresses (AS §5). Even this would have a limited range of effect as not all creditors may have access to the knowledge needed to predict a king's upcoming death, and death was not always expected and predictable, even for a king's innermost circle. As the inaugural year began at the New Year *akītu* festival, there was often a gap between when a new king becomes the effective ruler and when his inaugural year begins. These conditions would signal the coming of a clean-slate edict would be issued but within a limited window of time. Further complicating the matter, kings with a long reign, such as Ammiditana, Ammišaduqa's father, may issue a second or even third edict during their reign, which again would be unpredictable, at least to most people. Even for those with inside knowledge, the lead time may be as little as a couple of months.

Though the element of predictability for the Mesopotamian clean-slate acts was limited, they contained provisions to prevent the creditor from taking unfair advantage of the debtor by attempting to get around the financial loss of forgiving debts. The Edict of Ammišaduqa addresses the problem of altering contracts to by-pass his edict. Because the clean-slate acts addressed subsistence agricultural

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<sup>9</sup> The restoration to an idealized status quo that included a world in which an economic balance was considered a fundamental part of the social cosmos and normal state of affairs is why Michael Hudson, *The Lost Tradition of Biblical Debt Cancellations*, 25, describes the clean-slate acts both of the ancient Near East and the Bible as "truly conservative."

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loans rather than for-profit trading ventures, the potential abuse of altering a contract to counter the edict denied the right of the indebted granted by the king and undermined the social stabilization brought about by the edict. There is no tolerance in the Edict of Ammišaduqa for such deception and oppression. Unlike the biblical laws, the consequences in the edict are severe and specific:

If anyone had given barley or silver as an interest-bearing loan and had a document executed, retaining the document in his own possession, and then stated: "I have certainly not given it to you as an interest-bearing loan or on the *melqētum* basis; the barley or silver which I have given you I have given (as an advance) for purchases, or for the production of profit, or for some other objective," the person who had received the barley or silver from the creditor shall produce his witnesses to the wording of the document which the lender had denied, and they shall speak (their testimony) before god. Because he had distorted his document and denied the (truth of the) matter, he must pay (to the borrower) six-fold (the amount he had lent him). *If he cannot make good his liability, he must die* (AS §7).<sup>10</sup>

These harsh consequences are meant to deter such fraud. As mentioned above, an administrative infrastructure was explicitly developed to deal with the legal questions that arise from a clean-slate edict. Whether these administrative courts would enact the potential death penalty, the provision does not allow for any abuse. This prevents the king's authority from being undermined, assures the social security that the edict aims to bring about, and takes the oppression of the debtor by the creditor seriously.

The Year of Jubilee and the *Šemittah* Year remove any element of uncertainty regarding their timing. Without an element of human agency and tied to a seven-year cycle, the clean-slate act would be enacted at a set and predictable time that the laws expect everyone to be aware of, regardless of whether such an expectation would be reasonable. Perhaps the lengthy cycle of the Year of Jubilee would make it more difficult for much of the population to keep track of where exactly they were within the cycle, but with the Sabbaths of the land, this calculation could become more accessible to the individual creditor with privilege if not the poorer subsistence debtor. The mechanism of the Year of Jubilee, in which the Jubilee itself becomes the basis for the economy, provides evidence that the Holiness Code expects this information to be readily accessible, as does the charge not to wrong each other in matters of sales or purchases (Lev 25:17).

Without human agency, both the Holiness Code and Deuteronomy must take measures to protect the needy from the reluctance of lenders. The *Šemittah* Year calls upon the people of Israel to not allow the calendar to dictate their generosity. This exhortation is accompanied by a healthy dose of the fear of YHWH:

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<sup>10</sup> Trans. J.J. Finkelstein, "The Edict of Ammisaduqa," 526

Guard yourself, lest there be a wicked thought in your heart saying, “The seventh year, the year of remission approaches,” and your eye be evil against your needy kin, and you do not give anything to them so that he cries against you to YHWH and you incur guilt. (Deut 15:9)

For the Holiness Code, the solution is to make the Year of Jubilee the governing economic principle for all transactions involving the sale of land or persons. By making the Year of Jubilee the rule for how much any given purchase costs, a creditor pays for precisely what they get. This is portrayed, by the text, as not only protecting the one in need but rather both of sides of any economic exchange:

In this year of Jubilee, each of you shall return to your holding. When you sell property to your neighbor or buy from your neighbor, you shall not wrong one another. In buying from your neighbor, you shall deduct only for the number of years since the jubilee; and in selling to you, they shall charge you only for the remaining crop years: the more such years, the higher the price you pay; the fewer such years, the lower the price; for what they are selling to you is the number of harvests. *Do not wrong one another* but fear your God; for I YHWH am your God. (Lev. 25:13-17)

The differences between these two methods of addressing the predictability of the biblical clean-slate acts are telling regarding their theologies, but that both include solutions that demonstrate that they are aware of the problem. Whether these acts were ever enacted, they take steps to prevent them from being mere utopian ideals unaware of the realities of the world.

Neither of these provisions should be taken to only represent an awareness of the economic problems of a calendrically based, recurring clean-slate act. Instead, they also highlight a significant difference between clean-slate acts of ancient Mesopotamia and the biblical clean-slate acts set within the law codes of the Holiness Code and Deuteronomy. The Mesopotamian clean-slate edicts look back rather than forward, “being for the most part retrospective in effect, they did not do what legislation most typically seeks to achieve, namely establish norms to control conduct in projected future situations.”<sup>11</sup> The Mesopotamian clean-slate acts addressed existing debts, and while the tradition was well established during specific periods of ancient Mesopotamian history, each edict only addressed what had already happened rather than governing future debts. The Year of Jubilee and the *Šemittah* Year, on the other hand, do seek to establish those norms in perpetuity.<sup>12</sup> Rather than being unique events, these laws look forward into the future, establishing a regular cycle of debt-forgiveness, return, or both. YHWH does not merely lead the king or other human authority into acting with justice but

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<sup>11</sup> Westbrook, “The Character of Ancient Near Eastern Law,” 16. It should also be noted that Westbrook is not making a claim that ancient Near Eastern law codes, including those of the Hebrew Bible, should be understood by modern concepts of legal codes. Even when viewed as exercises in wisdom, they still maintain a fiction of looking forward and may still establish norms.

<sup>12</sup> The Law of Slave Release in Deuteronomy (as well as the Covenant Code’s in Exod 21), also seeks to establish a norm. There are also ancient Near Eastern parallels for law codes limiting slave tenure (LH §117).

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establishes economic justice as a rule and guiding principle for the people of Israel, independent of any human actor and makes provisions to prevent the subversion or perversion of these laws.

The measures to prevent the clean-slate acts from grounding economic activity to a halt in the Year of Jubilee and the *Šemittah* Year are different, but they both recognize the added difficulty of repeating, forward-looking clean-slate acts. If debt forgiveness or the return of Israelites to their family holdings discouraged lending or made distress sales impossible, then the plight of the poor would be worse than it was without these acts. There would be no steps between a bad season or two and selling dependents or even one's self into slavery simply to survive. The laws would have a veneer of justice and YHWH's concern for the poor, but the critical flaw would create precisely the opposite reality.

### *Provisions for the Future*

#### *i. The Šemittah Year*

Deut 23:20-21 prohibits interest on loans given to fellow Israelites. Due to this, it is likely that Deut 15:1-11 is not referring to interest-bearing loans. Instead, the debts are interest-free loans meant to provide support for impoverished subsistence farmers without taking advantage of their vulnerability. Or if they do seek to take advantage of the poor, it is in the acquisition of land and labor. In that situation, where the creditor is not necessarily profiting from the loan, it is understandable that a person in a position to be able to make a loan to a neighbor or family member in need might be reluctant to do so and it is not difficult to empathize with their position. Even when there is no motivation to increase their own wealth, a loan that turns into a gift due to the *Šemittah* Year could put their own household in danger of entering into the debt-cycle themselves if they should experience a couple of years of hardship. If, on the other hand, the *Šemittah* Year is not presuming the prohibition against interest in Deut 23, then the remission of debts would not affect the potential financial stability of the creditor. In this situation it becomes less a question of survival and more a business question regarding investment and profit. In both cases, the *Šemittah* Year poses a danger. For the creditor seeking to make a profit, a loan that will be forgiven before it can be repaid or foreclosed on would be a poor investment, while for someone who would otherwise choose to be generous in helping a neighbor, the debt being forgiven is a potential loss of their own resources, a surplus above their immediate subsistence needs but also their safeguard against falling into poverty themselves.

These dangers to the lender could be devastating to those in need since if they cannot get the loans that they need their already desperate situation would get precipitously worse, and this is what Deuteronomy seems to be the most concerned about. Therefore, Deut 15 calls upon those who are in a

position to be able to do so to make subsistence loans to those in need, regardless of how close the *Šemittah* Year might be. Even for those who could be endangering their own security, Deuteronomy calls such consideration of whether the money will be returned a “worthless thought” (Deut 15:9). This warning acknowledges the problem and requires the would-be creditors to “get over it.” Not giving the loan to the needy because one knows that they will never get that back is an act described as sin (אָפֶטֶן),<sup>13</sup> at least if the person in need who is denied help cries out to YHWH (Deut 15:9). Unlike the Edict of Ammišaduqa’s provision against fraudulent contracts, there is no specific penalty for this sin.

Despite this vague nature of the *Šemittah* Year’s provision, there is a similarity to that found in the Edict of Ammišaduqa. Though they deal with two different situations, needy person in Deut 15:1-11 and the defrauded debtor in the Edict of Ammišaduqa can both appeal to their god as the ultimate authority. In the Edict of Ammišaduqa, the cheated debtor brings their witness who testifies before the god (AS §7). The needy individual denied a loan due to the closeness of the *Šemittah* Year cries out to YHWH. The consequences are very different, a steep fine or death versus being in an undefined state of אָפֶטֶן, but both acknowledge that the god is on the side of the poor and the oppressed, making God (or the gods) the ultimate enforcer of economic justice and the clean-slate acts.

## ii. The Year of Jubilee

The problem of periodicity and predictability is addressed from a completely different angle in the Year of Jubilee. Due to the length of the Jubilee cycle, this problem could be seen as less acute, and the solution is predicated on economic fairness for everyone involved rather than protecting the poor from reluctant lenders. Lev 25:13-17 sets forth the fundamental law of the Year of Jubilee, including the rule that would govern the sale of property, including human labor, based on the Year of Jubilee. In fact, Lev 25 does not refer to loans until vv. 36-37, in which the debtor is already under the authority of another as a dependent, likely a tenant farmer. Rather than short-term, subsistence loans, Lev 25 addresses the sale of land and persons, though it is clear that these are emergency liquidations. Rather than assuring generosity in granting needed subsistence loans to the poor, Lev 25 sets a control on the

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<sup>13</sup> אָפֶטֶן also occurs in Deut 23:22-23 and 24:15, but none of these references include the connection to death (מָוֶת) found in connection to אָפֶטֶן in Deut 21 and 22. Deut 24:15 is also in reference to the treatment of the poor and the needy crying out to YHWH, specifically the requirement that a hired worker be paid the same day. While what it means for sin to be incurred in Deuteronomy is not defined and these passages make it clear that it is not automatically worthy of death, it does reflect a particular concern of YHWH for the poor and are meant to represent a penalty strong enough to serve as a deterrent.



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price of land, a vehicle that makes the temporary nature of these transfers built into the purchase itself. This protects the debtor who cannot be cheated by being forced to accept a lower sale price and the buyer who is paying for the usufruct. With the redemption price being the price of the remaining years, the buyer of the land receives back the price for those years that he paid for but no longer has access to. The exhortation here is not that the wealthy will not be hard-hearted toward the needy but rather a reciprocal, “do not wrong one another” (Lev 25:17).

The fraud that §7 of the Edict of Ammišaduqa guards against is making the claim that a loan was really an advanced payment. The Year of Jubilee turns this on its head by making all purchases of land an advanced payment for the usufruct for the years until the next Jubilee. In fact, the idea that the land is being sold is fictional. We do not have enough evidence to determine whether the Holiness Code is directly subverting the clean-slate acts of Ancient Mesopotamia or merely establishing a “fair” and just mechanism. Whether the Holiness author knew of these clauses, this could simply be the difference between being a retrospective act and a forward-looking, repeating law. Purchasing a certain number of usufructs negates the need for fraudulent workarounds.

It should be noted that nowhere in Lev 25 is there a penalty for not observing the Year of Jubilee, not even a vague threat of אָבָהָה. The laws of the Year of Jubilee do not provide penalties for individuals if the foreclosed land is not returned or the debt-slave set free. This does not mean that these laws were viewed as optional, with no mechanism for enforcement. Instead, the lack of blessing is implied, and in Lev 26 the penalties for disobeying all of YHWH’s commandments are laid out, including that the land and the trees shall not yield their produce (Lev 26:20), the opposite of the promise of blessing in Lev 25:18-19. That the series of curses has Lev 25 in view, along with other laws in the Holiness Code, is confirmed in vv. 34-35 that mentions explicitly that the land will make up the rest denied by its missed Sabbaths. Despite the collective consequences for not following the laws, there is no mention in Lev 25 or 26 of individual guilt or consequences for not obeying the Laws of the Year of Jubilee.

### **Divine Ownership**

#### *Exclusivity*

The clean-slate acts, both in the Hebrew Bible and ancient Mesopotamia are founded, at least in part, on the special relationship between a people and their god(s). This provides a limiting factor in the application of these acts. In ancient Mesopotamia, the clean-slate edicts did not apply to the entire

empire but to certain peoples and cities, focusing on the citizenry rather than the defeated peoples who were also a part of the empires. Likewise, in the Year of Jubilee, the *Šemittah* Year, and the Law of Slave Release, it is exclusively the Israelites who benefit from these laws.

Throughout Lev 25, this is strongly implied by the use of “your kinsperson” (אֶתְּכֶם) before describing the circumstances of the sale of property or persons (Lev 25:25, 35, 39, and 47). In vv. 44-46b, this exclusivity is made explicit in the permission to own slaves from other people groups:

Such male and female slaves as you may have – it is from the nations round about you that you may acquire male and female slaves. You may also buy them from among the children of the resident aliens among you that they begot in your land. These shall become your property: you may keep them as a possession for your children after you, for them to inherit as property for all time. Such you may treat as slaves.

For many modern readers, particularly those interested in economic and social justice, this allowance is understandably problematic and uncomfortable. While readers may be tempted to describe such difficult passages as descriptive rather than prescriptive, it must be acknowledged that there is no limitation how these foreign slaves are to be treated, no prohibition about mistreating these foreign slaves as is seen in reference to Israelites who are in a kind of fictional slavery (vv. 46 and 53). To dismiss this permission to own slaves and to bequeath them to the next generation as descriptive misses a crucial element of the law and the theology behind it.

While the Law of Slave Release of Deut 15:12-18 does not explicitly permit the permanent ownership of foreign slaves, the law only applies to “a fellow Hebrew, man or woman” (הָעֶבְרִי אוֹ הָעֶבְרִיָּה, lit. “a Hebrew man or a Hebrew woman” Deut 15:12, cf. v. 17) Read together with Deut 15:1-11, which does allow the collection of debts from foreigners during the *Šemittah* Year (Deut 15:3), the implication is that foreign slaves are allowed and may be owned without restriction. Unlike in Lev 25, there is no discussion or mention of foreign slaves. Foreign slaves are simply not of concern here. They are not to be released or provisioned as the Hebrew slaves are after six years of labor, and the debts of foreigners may be collected during the *Šemittah* Year. It is only the people of Israel, those who worship YHWH, that are included in these clean-slate acts, only Hebrews who return to their original state or better.

While these passages challenge a post-modern reading of the laws of Lev 25 and Deut 15 as promoting a broad kind of economic and social justice, they rest firmly in the ancient Near Eastern clean-slate traditions. In an inscription referring to Esarhaddon’s clean-slate decrees during the Neo-Assyrian period, he celebrates the remission of debts and freedom from slavery for Babylonians and for

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the cities of Aššur and Sumer.<sup>14</sup> Though the umbrella term “Babylonian” may have applied to more than those individuals who would be strictly considered ethnically Babylonian, the inscription celebrates measures that only applied to some subjects:

I gathered the bought people who had become slaves (and) who had been distributed among *the (foreign) riffraff* and counted them once again as Babylonians. (Bab. C, vii 12-33a)<sup>15</sup>

It is the contrast to “the foreign riffraff” that provides a statement of in- and out-groups. It is those who were once counted as Babylonians that are now “once again,” who return, while the implication is that any slaves from among the “riffraff” were not freed or returned to their former status. Likewise, in Esarhaddon’s Aššur A inscription, he declares that he restored the exemptions and privileges to Aššur and declared a clean-slate edict and describes the city as follows, “the foremost cult city, whose privileged status had been established with (that of) the people of Anu (and) Enlil from early days” (Ass A ii 27 – iii 15).<sup>16</sup> Elsewhere, in the so-called “*Sammeltext*” (Smlt), he celebrates bringing the spoils from Egypt and Kush to finance the restoration of temples (Smlt 28’-33’),<sup>17</sup> demonstrating that not all under his reign or conquered by him were beneficiaries of his acts of economic justice and renewal.<sup>18</sup> As was discussed in ch. 4, as an Assyrian king attempting to restore Babylon under his reign, the special treatment of the Babylonians alongside his own capital and people has political motivations, but the relationship between the gods and these peoples and cities provides him the cover and justification to make these edicts and to apply them to some but not others.

In the older exemplars of the clean-slate tradition, when it was still regularly practiced, these issues of exclusivity and limitations of who benefits are also evident. Lipit-Ištar celebrates liberating the sons and daughters of Nippur, Ur, and Isin and of the lands of Sumer and Akkad (LL ii 1-15). In Ammišaduqa’s edict, in addition to a list of citizens to whom the release does apply, there is a list of those to whom it does not. While Lipit-Ištar’s inclusion of the lands of Sumer and Akkad could be interpreted to mean the whole of his reign and everyone under it, regardless of ethnicity, the Edict of Ammišaduqa explicitly excludes some people from being returned from debt-slavery to their original state:

If a house-born slave-woman or male slave of a citizen of Numhia, a citizen of Emutbalum, a citizen of Idmaras, a citizen of Uruk, a citizen of Isin, a citizen of Kisurra, or a citizen of Malgium ... whose price ..., has

<sup>14</sup> For more about Esarhaddon’s clean-slate decrees, see Chapter 4.

<sup>15</sup> RINAP 4 105, tr. Leichty, 208

<sup>16</sup> RINAP 4 57, tr. Leichty, 124.

<sup>17</sup> RINAP 4 54, tr. Leichty, 116.

<sup>18</sup> Immediately following this, in RINAP 4.54, Smlt 34’-40’, the author, likely Esarhaddon or those writing on his behalf, celebrates a clean-slate decree, though it is broken and unclear who it is that he “gathered together” and “established a remission of debts” among other acts of economic restoration in these lines.

been sold for money, or was given over for debt servitude, or was left as a pledge, his freedom will not be affected. (AS §22)<sup>19</sup>

As the edict does not explain how the parents of these slaves came to be enslaved themselves, we do not know what exactly it would mean if they were to “return to the mother” in an ancestral sense. It seems most likely that, like the permanent slaves of Lev 25:44-46 who may be bequeathed, they are slaves from other nations and outsiders to whom the edict does not apply.

It would be easy, at this point, to conclude that the reason for the exclusivity seen in the biblical clean-slate acts is simply due to the broader ancient Near Eastern tradition of which they are a part or to attribute it to economic necessity, as releasing foreign slaves would create an unprotected class of free persons with no rights to land or access to resources. These texts could then be excused for what might seem to be a moral failing to current readers, as it would be merely a product of its time rather than reflective of any intentionality grounded in theology and ideology. However, both the biblical and the ancient Near Eastern texts suggest that while economic necessity may have played into it, the people’s relationship to their gods is the basis for this exclusivity. Esarhaddon describing his restoration of Babylon asserts that he renewed “the remission of debts of the wronged citizens of Babylon” who were entitled to their status and freedom by the gods Anu and Enlil (Bab C v 12-15a). The exclusive rights that the citizens of Babylon have, like those of Aššur, are not granted by Esarhaddon but come from the gods themselves. This is the basis for Esarhaddon’s restoring those rights and privileges and issuing the clean-slate edicts. Likewise, above, we saw that though Ammišaduqa does not credit his clean-slate edict to the gods, at least not within the edict itself, he does appeal to Enlil as the one who set him in the role of the king and compares himself to Šamaš. It is within this theological tradition, the privileged relationship with the god, that the Holiness Code and Deuteronomy ground their own exclusivity.

### *The Exodus Event*

Both the Year of Jubilee and the Law of Slave Release invoke the exodus event as the justification and motivation behind the release of slaves, a story that would only apply to the Israelites.<sup>20</sup> Recalling this mytho-history does not merely establish a unique relationship between YHWH and the Israelites, as any appeal to the patriarchs or to YHWH having given them the land would work for that purpose. Indeed, both the Year of Jubilee and the *Šemittah* Year include YHWH’s gift of the land and the

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<sup>19</sup> Trans. Finkelstein, “The Edict of Ammisaduqa,” 528

<sup>20</sup> Note that this is not a claim of the historicity of the exodus event but of those who would view it as their shared mytho-history.

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promise of its blessing in their justifications and motivations.<sup>21</sup> The exodus event brings its own particular dimension to the relationship between YHWH and the Israelites: their shared history as slaves and YHWH's act of redeeming them and rescuing them from Egypt. They are not just the people who worship YHWH, are descended from chosen ancestors, and to whom the land was given. They are those whom YHWH has already rescued from slavery.

In the Law of Slave Release, Deuteronomy presents the exodus event as a model. It is presented both as the reason that YHWH gives the law and an appeal to their collective memory to make them amenable to following it:

If your kinsperson is sold to you, a Hebrew man or a Hebrew woman, they shall work for you six years, and in the seventh year, you shall send them away free from with you. And when you send them away from you, a free person, do not send them away empty-handed. You shall surely richly furnish them from your flock and from your threshing floor and from your winepress; of which YHWH your God blesses you, you shall give them. Remember that you were a slave in the land of Egypt, and YHWH your God redeemed you; thus, I command you in this matter today. (Deut 15:12-15)

The reminder of the exodus event does not just explain the term limit and the release of slaves but also explains the requirement that the former master richly furnishes them so that they do not go out empty-handed and vulnerable to finding themselves in dire straits and being sold into slavery once more. This requirement, connected with both the release from slavery and the reminder of the exodus event, contains echoes to the provisioning of the Hebrews by the Egyptians as they finally left Egypt after the plague of the firstborn. Pharaoh commanded that they take their flocks and herds and they borrowed items of silver and gold as well as clothing from the Egyptians (Exod 12:32, 34). By appealing to this shared mytho-history, the master is reminded that their ancestors too were once slaves who were rescued by YHWH; the story of slavery and restoration, even provision, is their story every bit as much as the former slave's.

The exodus event in the Holiness Code goes even further in defining the relationship between YHWH and the children of Israel. According to Lev 25, the children of Israel cannot be owned as slaves by anyone, whether foreigners or fellow children of Israel:

And if your kinsperson falls into poverty with you and is sold to you, you shall not work them the work of a slave. As a hired worker, as a sojourner they shall be with you; until the year of Jubilee, they shall work with you. Then they shall go out from with you, they and their children with them, and they shall return to their clan, and they shall return to the possession of his ancestors. For they are my slaves, whom I brought out from the land of Egypt; they shall not be sold as slaves. You shall not rule over him harshly, and you shall fear your God. (Lev 25:39-42)

Here the exodus event is not just a story of YHWH having rescued the children of Israel from Egypt. By redeeming them from slavery, YHWH purchased them; they became the slaves of their God. They are

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<sup>21</sup> See below.

YHWH's property, and only YHWH has the right to alienability, a right YHWH chooses not to exercise. They may not be owned by anyone, so that they are "not-slaves," cannot be treated harshly, and must be freed at the Jubilee. While the term of their "not-slavery" could be most of their lifetime, the slavery itself is, according to the Holiness Code, a legal fiction, and this is only heightened in relation to foreign owners:

As a worker hired annually, they shall be with them. They shall not rule over them harshly in your sight. ... For the children of Israel are my slaves. They are my slaves, whom I brought out of the land of Egypt. I am YHWH the God of all of you. (Lev 25:53, 55)

The assertion that the children of Israel are YHWH's slaves, and YHWH's alone, that this is what it means for YHWH to be their God, is how the legislation regarding the Year of Jubilee ends. This ownership, even more than a shared mytho-history, is the basis for the Year of Jubilee. This means that, the Year of Jubilee requires exclusivity in application. As other peoples are not YHWH's slaves, YHWH does not have—or at least does not exercise—full authority over them.

In stark contrast to this, Deuteronomy does allow for a Hebrew slave to become a permanent slave (Deut 15:16-17), though this seems to only apply to those owned by fellow Israelites. Just as the Law of Slave Release is not concerned with foreign slaves, it does not admit the possibility of foreigners owning Hebrew slaves. This fits well with the *Šemittah* Year's claim that Israel will lend to other nations but not be dominated. If Israelites cannot go into debt to foreigners, then there is no fear that they will become debt-slaves to foreigners. Moreover, the debt-slave who chooses permanent slavery in Deuteronomy does so not out of necessity or a lack over other options, after all the master would have richly furnished them if they had chosen emancipation, but rather out of love and being in their master's household being good for them. This allowance should be understood less as Deuteronomy permitting permanent slavery and more as a rebuke and revision of the slave law of Exod 21.<sup>22</sup> The only slavery of Israelites that Deuteronomy permits is that to which the slave freely and enthusiastically consents and only to a few Israelite.

The biblical clean-slate edicts only apply to those who are a part of the community, of the children of Israel, the people of YHWH. The exodus event forms the basis of the unique relationship that sets them apart from other peoples whose debts are not forgiven and who may be held in slavery in

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<sup>22</sup> For Exod 21, slave release only applies to male slaves, whereas Deut 15 emphasizes that it applies to both male and female slaves, and the reason a man may choose to become a permanent slave is because the wife the master gave to him and any children remain with the master rather than going out free (Exod 21:2-6). As the slave is sent out provisioned in Deut 15, it seems unlikely that any children he might have fathered during his tenure as a slave would be treated as property of the master or that a female slave, who must also be given her freedom after 6 years, could be given to a male slave. For a fuller discussion of this, see Chapter 7, (175-77).

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perpetuity. The children of non-Israelites are, like the slaves not freed in the Edict of Ammišaduqa, house-born slaves and property. While the exodus event could be used to govern the treatment of slaves and foreigners—and is by both the Holiness Code and Deuteronomy elsewhere—those protections are not relevant here. This shared mytho-history is not a moral call against economic oppression but the foundation of a unique relationship that provides a sense of community and defines their relationship with YHWH.

### *The Land and the Promise of Blessing*

The exodus event is not cited in the *Šemittah* Year. In fact, Deut 15:1-11 does not refer to any past salvific event in the mytho-history of Israel. Instead, the *Šemittah* Year establishes that the relationship between YHWH and Israel is based on the present and continues into the future. YHWH promises to bless Israel and give them priority among the nations in the land that God is giving them:

Except that there shall be no poor among you – since YHWH your God will surely bless you in the land that YHWH your God is giving you as a hereditary portion – if you will only diligently obey the voice of YHWH your God to observe to do this entire commandment which I command you today. For YHWH your God will bless you as God has promised you, and you shall lend to many nations, but you shall not borrow, and you shall rule over many nations, but they shall not rule over you. (Deut 15:4-6)

Though the *Šemittah* Year and the Law of Slave Release are bound together, for the *Šemittah* Year, Israel's past with YHWH is not the foundation for this law. Due to its narrative setting, YHWH's gift of the land is set in the present. YHWH's promise to maintain the covenant faithfully is an ongoing promise, continuing into the future. God will perpetually bless them such that they will have enough wealth to lend to other nations and to dominate them if Israel fulfills their side and obeys YHWH's laws. By framing the relationship in the present and future, the motivation to obey is not merely that of a shared story as a reminder of YHWH's past faithfulness. Instead, through obedience, Israel guarantees the continued relationship with YHWH and the blessing that comes with it. That it is structurally and thematically connected with the Law of Slave release, the present and the future are not divorced from the mytho-history, but the emphasis is on the present and the future, on YHWH's continuing faithfulness. This relationship is a unique relationship between the two parties of the covenant. Israel is not merely one of many nations that have a suzerainty covenant with an empire; instead they are in a unique covenant relationship with YHWH. This particular relationship is seen in the promise that they will dominate other nations but not be dominated themselves.

The giving of the land and promise of blessing in Lev 25 is both the conditional reward for obedience and an assurance that obedience will not result in famine or hardship. Though this is most

obviously related to the issue of fallowing the land in the Sabbath years, this promise comes after the institution of the Year of Jubilee in Lev 25:8-12, including it in the laws and rules that the children of Israel shall obey. The assurance of blessing: that they shall live in security and that it shall yield its produce (Lev 25:18-19) is expanded upon in the question of how the people shall eat if they must observe a universal fallow year:

And if you all say, "Of what shall we eat in the seventh year, supposing we shall not sow, and we shall not gather in our produce?" Then I shall command my blessing upon all of you in the sixth year, and the land will make the produce for three years. (Lev. 25:20-21)

YHWH's blessing of the people through the land is both a reward and the method by which YHWH makes it possible for Israel to obey a potentially impossible aspect of these laws. For the Holiness Code, this promise of blessing is not implied to be unique to the children of Israel. There is no reason to believe that YHWH has not entered into similar relationships with the other nations, that if they too obey YHWH they will live within the land YHWH has given them and the land will give forth their produce.<sup>23</sup> Nonetheless, the promise of security and fruitfulness in response to faithfulness and to make that faithfulness possible creates a reciprocal relationship between YHWH and the children of Israel. YHWH will bless them so that they can obey, and if they obey, YHWH will bless them.

The issue of exclusivity is understandably uncomfortable for modern readers, particularly people of faith who want to draw upon these biblical traditions to promote economic and social justice. They are a product of their world, a world with gods who claimed particular peoples as their servants and with peoples who would have an expectation to derive some particular benefit from their relationship with their deity. It is in this world view and within this tradition that the clean-slate acts of the Holiness Code and Deuteronomy exist. The exodus event forms the foundation of Israel's relationship with YHWH as the god who brought them out of slavery, binding them to each other and to YHWH. The giving of the land and promise of blessing continues this relationship into the future. The reciprocal relationship between YHWH and the people is not an innovation of either the Holiness Code or Deuteronomy, but it secures the relationship grounded in the past to the present and future. For both the Holiness Code and Deuteronomy, this relationship is founded on a special, unique relationship between the people of Israel and YHWH, a relationship not available to other peoples. Exclusivity, regardless of how it seems to readers today, is a necessary part of the biblical clean-slate acts.

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<sup>23</sup> The right to own slaves, seen above, from the other nations around Israel does strongly suggest that the uniqueness of the relationship between YHWH and Israel also applies to issues of land grants.



## Community Ethics

The ancient Mesopotamian clean-slate acts do not contain any aspect of community ethics. Pro-social behaviors were essential for the ancient Mesopotamians, and the fact that the king celebrated the clean-slate edicts he issued in inscriptions means that these acts were important for society and the concept of justice, so this is not to claim that the ancient Mesopotamians were not concerned with community ethics. Even the issue of exclusivity discussed above, however unjust it may seem today, would have likely strengthened some sense of community through defining the ingroup over against the outgroups. The clean-slate acts were not inherently about community, or at least not presented as such.

For the biblical clean-slate acts, on the other hand, the importance of kinship and the communal good are critical aspects of the ethics behind them. Both Lev 25 and Deut 15:1-18 use the language of kinship and community. **אָח** “brother, kinsperson” occurs 9 times in Lev 25 and 7 times in Deut 15, and **עֵמִית** “neighbor” occurs 4 times in Lev 25 and **רֵעַ** “neighbor” twice in Deut 15. The element of belonging to a community is not merely about the exclusivity discussed above, the “us” being those who are not the “other” but also about building a sense of communal responsibility. Within this sense of community, the reason for a member of the community falling into debt is not stressed, even if we presume that they were primarily subsistence loans rather than commercial ones. What matters is that they are a part of the community and are in need, meaning there is an obligation toward them.<sup>24</sup> The exodus event is not just a limiting factor, excluding those who do not share that mytho-history, but it is also a shared story that forms the foundation of a community. The gift of the land and the blessing of its produce is not for one individual or family but for the whole community. The relationship explored above is not between individuals and their god but between the whole of the people of Israel and YHWH.

In the forward-looking biblical clean-slate acts, this communal ethic may provide an extra layer of protection for the poor. As seen already, Lev 25 exhorts the people to not wrong each other, but then goes further in protecting the dependent but not yet enslaved kinsperson:

And if your kinsperson falls into poverty and their hand wavers with you, you shall strengthen them; as a resident alien they shall live with you. You shall not take interest or extra fees from them, but fear your God, and your kinsperson shall live with you. You shall not give them your silver at interest, and you shall not give your food for a profit. I am YHWH the God of all of you; I brought all of you out of the land of Egypt to give all of you the land of Canaan and to be the God of all of you. (Lev 25:35-38)

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<sup>24</sup> Fook-Kong Wong, “A Reflection on the Nature and Theological Basis for Poverty and Debt Laws in the Pentateuch.” 190, observes that “On the one hand, some people were helped because it was presupposed that they fell into poverty for reasons beyond their control rather than from their own fault. On the other hand, others were helped because of the moral obligation felt by the helper rather than the moral integrity of those helped.”

The kinsperson at this point is likely a tenant farmer, working their own land for another, not independent though not yet a slave. Here the appeal to Egypt is an appeal to treat the dependent kinsperson not just as a resident alien but as family. The text makes a rhetorical move from the dependent kinsperson being treated as a resident alien to being acknowledged, even in their need and dependency, as still being a member of the community who must be treated as such. Their place within the community has become ambiguous, but they are to be treated well due to their shared history and their shared god.

The communal ethic runs throughout all of the Year of Jubilee but reaches its culmination in the case of an Israelite owned by a foreigner. We have seen that they are called on to not wrong each other in property transactions and that the dependent Israelites must continue to be treated as full members of the community. Once an Israelite has become a slave, they cannot be treated as slaves, as has already been observed, they are not-slaves, and they cannot be treated harshly:

And if your kinsperson falls into poverty with you and is sold to you, you shall not work them the work of a slave. As a hired worker, as a sojourner they shall be with you; until the year of Jubilee, they shall work with you. Then they shall go out from with you, they and their children with them, and they shall return to their clan, and they shall return to the possession of their ancestors. For they are my slaves, whom I brought out from the land of Egypt; they shall not be sold as slaves. You shall not rule over them harshly, and you shall fear your God. (Lev 25:39-43)

The word here translated as “one living with you” (תושב) is the same used above in v. 35, though here it is not used in construct with גֵּר, so it does not have the same force of foreignness. There is no need for the text to make the turn back to terms kinship. The impoverished not-slave is a part of the community with their shared mytho-history. They remain a part of the community and return to their ancestral land, the land that is theirs as a member of the community, in the Year of Jubilee. None of this is surprising within the context of what has come before, but what is notable is what this sets up for the next section, the case of an Israelite enslaved to a foreigner. In addition to bringing back the idea of redemption and strengthening it,<sup>25</sup> the community maintains responsibility for the well-being of the Israelite sold to a foreigner:

As a worker hired annually, they shall be with them. They (the foreign master) shall not rule over them harshly in your sight. (Lev. 25:53)

The foreign master cannot be expected to honor the status of their Israelite slave as a not-slave. There is no reason that a foreign master would accept that the sale was fictive, no reason for them to treat this slave any different from other slaves. In fact, Israel’s permission to own foreign slaves as actual slaves could be seen by foreigners as permission for them to do the same with Israelite slaves. After all,

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<sup>25</sup> See Chapter 6, (115-16 and 128-29) for a fuller discussion of redemption within the Year of Jubilee.

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there is no communal mytho-history, no communal blessing. So, the responsibility for protecting the Israelite not-slave falls upon the community of the children of Israel. Despite belonging to a household that is outside the community of Israel, all of the children of Israel must assure that they remain a part of the community and secure their right treatment. The communal ethic is so strong that, if need be, it must be united against the property rights of foreigners.

Deuteronomy's warning against hard-heartedness and incurring sin has been discussed above, but in addition to this warning, the *Šemittah* Year also calls for generosity free from reluctance (Deut 15:10). This plays into YHWH's stated goal and promise in Deut 15:4, that there be no needy among the people of Israel. In v. 11, the text states that there will always be needy, and so they must open their hands in generosity to care for them. Though Deut 15:10 promises individual blessing for this ready generosity, v. 11 invites the community to be active partners to bring about the lofty aim of YHWH's blessing that there be no one in need. Not only does Deut 15:1-18 form a sense of community through the shared mytho-history, YHWH's gift of the land, and the continuing promise of blessing, but by a call to responsibility. As in Lev 25, the community includes the impoverished. Those who have found themselves in the grip of the debt-cycle are no less members of the community than those with wealth, and this sense of communal ethic and responsibility informs the *Šemittah* Year and the Law of Slave Release. They are a community not just through the acts of YHWH but through their participation in God's acts of blessing.

The clean-slate acts of ancient Mesopotamia do not require a communal ethic to enforce them. Kings who issued the edicts could assume obedience and had an administrative infrastructure to assure that it was carried out correctly. On the other hand, the biblical clean-slate acts do not establish such an infrastructure, and, therefore, there must be some motivational force beyond the penalty for disobedience to the king. The shared mytho-history, the giving of the land, and the promise of blessing all serve this purpose, but so does the communal ethic. The community who declare the Year of Jubilee and execute the *Šemittah* Year are required to protect the impoverished and indebted kinsperson. It is a part of their communal and national identity; it is an invitation to participate in the liberation and blessing of YHWH—past and present—and it is not optional.

### Different Approaches

Some of the differences between the Holiness Code and Deuteronomy's approaches to the clean-slate acts have already been discussed even as we compared them to the ancient Mesopotamian traditions. There have been differences within their similarities: the role of human institutions or lack

thereof, the 7-year/Sabbath cycle, and the community ethic. Yet there are other differences that need to be explored and which are necessary for an understanding of their respective theologies. In ch. 5, we saw that there are some attempts by scholars to harmonize Lev 25 and Deut 15:1-18. This does not allow either of these sets of laws to stand on their own or to be understood primarily within their own contexts. By attempting to sweep the differences and even contradictions under the rug, they are weakened, and their theologies become blended into a more vague understanding of justice and protection of the weak, which is a crucial piece of both, but little else can be said about the role of the clean-slate acts as expressions of theology.

One of the temptations in harmonizing the texts comes from the fact that neither Lev 25 nor Deut 15:1-18 cover the whole of the debt-cycle alone; together they can conceivably be interlaced to do so. In Deut 15, the *Šemittah* Year addresses debt, and the Law of Slave Release deals with debt-slavery, but there is no mention of the sale of a portion or all of the land or an intermediate stage of working as a tenant farmer on one's own land. In fact, Deut 15 does not deal with land transactions at all. Meanwhile, Lev 25 does not address debt-forgiveness; loans are only mentioned in the context of an Israelite who is dependent but not yet sold into slavery, a prohibition against taking advantage of their vulnerability through charging interest (Lev 25:36-37). Instead, the Year of Jubilee deals only with the clean-slate aspect of return, specifically the return of land and persons. There is no attempt to prevent the indebtedness and impoverishment that results in these having been sold. For scholars who then interpret Deut 15:12-18 as addressing the sale of dependents and Lev 25:39f as dealing with self-sale of the *pater familias*,<sup>26</sup> the clean-slate acts of the Holiness Code and Deuteronomy together cover the entirety of the debt-cycle:

1. Loans (Deut 15:1-11)
2. Sale of property
  - a. Sale of a portion of land (Lev 25:25-28)
  - b. Sale of a dependent (Deut 15:12-18)<sup>27</sup>
3. Complete loss of land/tenant-farmer (Lev 25:35-38)
4. Self-sale (Lev 25:39-55)

This is a neat solution, and its appeal is readily apparent, but the differences between the two are too great for this to be sustained.

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<sup>26</sup> For a discussion as to why this is a weak solution, see ch 5.

<sup>27</sup> There is some debate as to whether a portion of land or a dependent would be sold first. As both result in a significant disadvantage to subsistence resources whether labor or arable land, they are, here, considered together.

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The two share common elements that set them apart from the clean-slate tradition of the ancient Near East. Despite their common elements, including theological, they maintain different perspectives and theological emphases. While both have a strong communal element, for Deuteronomy, the theology of community is at the core of its theology, centering an ethic of generosity and reciprocity. For the Holiness Code, YHWH's sovereignty over the land, the people, and time is the theological center.

### *Community in Deuteronomy*

Though both Lev 25 and Deut 15:1-18 contain a critical appeal to the sense of community, in Deuteronomy, this serves as a governing element secondary only to the people's relationship with YHWH. The threat of not being blessed or accruing guilt in the *Šemittah* Year is balanced, not just by the promise of blessing but by the charge to give willingly (Deut 15:8), liberally, and ungrudgingly (15:10). When a fellow Hebrew has completed their tenure as a slave, the now-former master is to give liberally (15:14) and not to consider it a hardship (15:18). By using the language of adorning the emancipated slave with a necklace (הַעֲנִיק תַּעֲנִיק לוֹ), this description of generosity far exceeds the necessary provisions that they may need to avoid reentering the debt-cycle. This is not a mere appeal for a right attitude alongside the acts of economic justice but requires a sense of communal goodwill. The impoverished person is not just a member of the community but a kinsperson and a neighbor.

Without this goodwill and generosity, the release of slaves is ineffectual. In Zedekiah's decree of slave release, the freed slaves almost immediately return to the state of slavery (Jer 34:8-11). Whether this was an intentional fraud and abuse on the part of Zedekiah and his nobles to trick YHWH into protecting them from the Babylonian threat prophesized by Jeremiah (Jer 34:1-7) or simply a critical failure, this demonstrates the danger of merely sending out a slave with nothing. With no resources, the slave is unable to avoid the same kind of economic hardship that led to their impoverishment and slavery in the first place. If they were a dependent sold due to pay their household's debts, they might have a place to return to, but a family that already had to sell part of its labor force may still be close enough to the edge to have to sell them once again. The generosity is not generosity just for generosity's sake but rather it allows the community to survive and thrive. The expediency of selling a dependent is not prohibited, but once they have served their term, they are given the resources necessary to reintegrate them as a full and free member of society, and furnished richly, they may find themselves in the position to give generously when another kinsperson is in need.

This lavishness also removes any external motivation for a person to enter into permanent slavery. Exod 21:2-6 creates a situation in which the slave may find it challenging or even impossible to accept emancipation as he goes out with nothing more than he entered into slavery with, even his wife and children remain behind if his master gave him the wife. The focus of the manumission law of the Covenant Code is that the status is changed from slave to free, the restoration of the individual's original freedom.<sup>28</sup> It does not take into account any method to assure that restored status is not immediately lost. As in Jer 34, this kind of emancipation leaves the former slave with little, if any, resources, vulnerable to continued impoverishment. In such a situation, there would be plenty of motivation for the slave to choose permanent slavery rather than freedom. This creates a permanent wealthy class and a permanent slave class within the community. The Law of Slave Release in Deuteronomy removes all external motivations. They go out richly furnished. Male and female slaves are both released, so even if a husband and wife have different terms, they will eventually both be free, and house-born slaves are not a thing, at least not Hebrew house-born slaves. Deut 15:16-17 provides provision for a slave who chooses to enter permanently into slavery, but with all the economic factors removed, the decision is described as "for they love you and your household, for it is good for them with you" (Deut 15:16). With none of the manipulative incentives for a person to choose permanent slavery, Deuteronomy's Law of Slave Release prevents the growth of a permanent class of Hebrew slaves. Paired with the requirement to give freely to a kinsperson in need, even if the *Šemittah* Year is close, the clean-slate acts of Deut 15:1-18 seek to create a social good where there is, in fact, "no needy among you" (Deut 15:4).

The communal aspect to social and economic justice can be seen elsewhere in Deuteronomy. Deut 14:28-29 institutes a triennial tithe that does not go to the sanctuary/temple but instead is used to shore up the local stores for those in need:

Every third year you shall bring out the full tithe of your produce for that year and store it within your towns; the Levites, because they have no allotment or inheritance with you, as well as the resident aliens, the orphans, and the widows in your towns, may come and eat their fill so that YHWH your God may bless you in all the work that you undertake.

These stores may not be enough to get those in need through three years until the next triennial tithe, but this demonstrates the communal focus on those in need.<sup>29</sup> The communal feasts in Deut 16, notably

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<sup>28</sup> Bernard M. Levinson, "The 'Effected Object' in Contractual Legal Language: The Semantics of 'If You Purchase a Hebrew Slave' (Exod XXI 2)" 504.

<sup>29</sup> It should be noted that not everyone agrees with this interpretation of Deut 14:28-29. As was discussed in ch. 5, the fact that this only happens every three years could be interpreted not as an act of truly taking care of the Levite, the sojourner, the widow, and the orphan but rather as doing the bare minimum and keeping them in a position in which they remain in need. Likewise, bringing the tithe to the sanctuary on the other two years for a feast, with the option to liquidate it to purchase supplies there, can be understood as a scheme to bring money

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the Festival of Weeks and the Festival of Booths explicitly include those in need among the celebrants.

The Festival of Weeks makes an appeal to the exodus event as the shared mytho-history of the community:

Rejoice before YHWH your God – you and your sons and your daughters, your male and female slaves, the Levites resident in your towns, as well as the sojourners, the orphans, and the widows who are among you – at the place that YHWH your God will choose as a dwelling for God's name. Remember that you were a slave in Egypt, and diligently observe these statutes. (Deut 16:11-12)

Read together and in proximity to the clean-slate acts of Deut 15:1-18, these laws require that the poor be considered part of the community. Deut 15:1-18 does not include the sojourner in those who benefit, for the reasons examined above, but they are to be active participants in celebrations and cared for by the community.

The *Šemittah* Year becomes a continuing foundation for the renewal of the community. In the fictional setting of Deuteronomy, the community stands on the threshold of entering the land together as equals. There should not have been much if any wealth disparity. They had been richly furnished upon leaving Egypt and shared the same journey from Egypt to Horeb to reach the boundaries of the land YHWH was giving them. With the forgiveness of debts and the communal generosity, they would approach a return to this original state. This is supported by the reading of the law in Deut 31:10-13. Not only does the *Šemittah* Year serve as an economic return for the community, but it is a time that the community is to return to the starting point of the law:

And Moses commanded them: "Every seventh year, the appointed *Šemittah* Year, at the Feast of Booths, when all Israel comes to appear before YHWH your God at the place that God will choose, you shall read this law before all Israel in their hearing. Gather the people, the men, the women, and the children, and the sojourner who is within your gates, so that they may hear and may learn to fear YHWH your God and observe to keep all the words of this law, and that their children who have not known it will hear and learn to fear YHWH your God as long as you live in the land that you are about to cross the Jordan to possess."

The clean-slate acts of Deuteronomy are about the community, maintaining a community with no or little wealth disparity, a community of generosity and mutual support. The *Šemittah* Year is a return, not just to an original state of blessedness and provision within the land that YHWH has given to Israel, but a return of the community to the law. The community renews its covenant with YHWH with joy at the Festival of Booths, and the economic and social justice of the *Šemittah* Year is a crucial part of this joyful renewal.

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into the temple and its peripherals. Taken with other provisions for those in need, I do not find this argument to be convincing.

*The Land and YHWH's Sovereignty in the Holiness Code*

The land in Lev 25 plays a central role. It is more than the means and location of YHWH's blessing or a gift to the people as in Deut 15. We have already seen how the Year of Jubilee governed how long the land could be sold for and both the purchase and the redemption price. Just as the people of Israel cannot be sold as slaves because they are owned by YHWH, so the land is also YHWH's:

But the land must not be sold permanently, for the land is mine; and all of you are resident aliens with me. And in the whole land of your possession, you all shall allow for the redemption of the land. (Lev 25:23-24)

It is not just the people of Israel who have a unique relationship with YHWH that sets them apart from the other nations, but the land itself has a similar relationship. This land is set apart by YHWH and is an active participant in relation to its god. This idea is not unique to Lev 25 but also appears elsewhere in the Holiness Code.

In Lev 18, the land is described as being held accountable for the abominations of the people who reside within it and has the agency to expel its inhabitants, both its former ones and the people of Israel should it become necessary:

Thus, the land became defiled; and I called it to account for its iniquity, and the land vomited out its inhabitants. ... Otherwise, the land will vomit you out for defiling it, as it vomited out the nation that was before you. (Lev 18:25, 28)

As has been seen, the land's relationship with YHWH is such that the land itself is granted a Sabbath Year. Though the Sabbath provides food for the people, including slaves, hired workers, foreigners, and the wild animal (Lev 25:6-7), it is still described as the "Sabbath of the land" (שַׁבַּת הָאֲרֶץ). That this sabbath year is about the land and not the people is confirmed in the curses of Lev 26. Above, we saw that Lev 26:34-35 confirms that the promise of blessing is conditional upon obedience, but it also further demonstrates YHWH's special care for the land:

Then shall the land make up for its Sabbath Years throughout the time that it is desolate and you are in the land of your enemies; then shall the land rest and make up for its Sabbath Years. Throughout the time that it is desolate, it shall observe the rest that it did not observe in your Sabbath Years while you were dwelling in it. (Lev 26:34-35)

The relationship between the land and YHWH is sacred. The inhabitants can pollute the land with iniquity, for which it must be held accountable, and they can obviously prevent the land from observing its Sabbaths. YHWH will restore the land and heal it, even if that means expelling the people of Israel from it. What is desolation for the cities and for the children of Israel is rest for the land.

Ancient Near Eastern clean-slate acts often applied specifically to cities with particular cultic significance, particularly in the clean-slate acts of Esarhaddon. These cities were privileged due to the



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prominence of a major temple, such as Esagil, the temple of Marduk, in Babylon. For the Holiness Code, the whole of the land, not just Jerusalem, is temple land. The whole of the land of Israel is YHWH's, and the people are YHWH's slaves. As king, YHWH has the ultimate ownership over the land and can confiscate and reassign it and can even confiscate it in its entirety by expelling the people of Israel.

Every 49-50 years, YHWH reclaims and redistributes the land, returning it to its original distribution. Individuals and families return to the same land that YHWH gave to their ancestors when they first entered the land, a gift in perpetuity to that family and reassigned to them every Jubilee. The Holiness Code does not just remove the king from the clean-slate act but sets YHWH as both God and King. Though the reign of a human king would vary greatly, 50 years could be seen as a single long reign. Though the Day of Atonement bears little in common as far as the specific ceremonies with the *akītu* festival of Babylon, it is a time in which the people are restored to a pure condition before YHWH, an annual new beginning. It is not the king that is affirmed by taking the hand of the god or the god who leaves the city and returns renewed. Instead, the people are restored to YHWH, and in the Year of Jubilee, the people and the land are set, once again, into their proper alignment before their sovereign just as they were when YHWH first assigned the fields to the people of Israel.

The Year of Jubilee is not merely a set point in a long cycle but the governing principle throughout all time. By keeping the Year of Jubilee, the people of Israel also acknowledge YHWH's sovereignty over time itself. The Sabbath rest is centered on creation. In submitting to a pattern of rest, established by YHWH at creation, and allowing the very land to celebrate its Sabbath, the Sabbath Year and the Jubilee cycle are reminders of YHWH's sovereignty over all of creation. When the trumpet is blown on the Day of Atonement in the Year of Jubilee, Israel celebrates a return not just to their pure state under YHWH but to the created order.

## Conclusions

The clean-slate tradition in the ancient Near East provided for fresh starts for those who had lost land or fallen into slavery due to debt. These acts also served to restore society by increasing the base of free citizens able to fully participate in society and serve the gods. From the law codes of Ur-Namma and Lipit-Ištar, we see that these were acts of justice required by the gods themselves. By the time of Samsuiluna, they are well-established as an integral part of the ascension of a new king. Though the tradition of clean-slate acts fell out of practice after the Old Babylonian period, the cultural memory remained, and in the 7<sup>th</sup> century B.C.E., Esarhaddon revived this tradition with Assyrian and Babylonian clean-slate acts as a part of his Babylonian restoration project. Esarhaddon's clean-slate acts specifically

reference the privilege of Aššur and Babylon as the temple cities of Aššur and Marduk respectively. Though issued by kings, the fresh start provided to the indebted and enslaved is from and for the gods.

The biblical clean-slate acts take this divine aspect a step further. For the Year of Jubilee in Lev 25 and the Šemittah Year and the Law of Slave Release in Deut 15:1-18, there is no king mediating the justice of the gods to the people of YHWH. Instead, the community recognizes the holy rhythms of YHWH in honoring the appointed times for the clean-slate acts. The fresh start of the biblical clean-slate acts comes directly from God to the whole community, those in Jerusalem and beyond.

The Edict of Ammišaduqa and the fragments of the edicts of Samsuiluna and an unknown king provide specific details of what the clean-slate acts looked like, at least in the Old Babylonian period. Debts were forgiven, property returned, and slaves released. The Edict of Ammišaduqa lays out consequences for those who attempt to subvert the clean-slate act through fraud or preemptively collecting debt early. The poor and indebted are protected and those who were free and are now slaves are restored to their rightful position as free citizens.

Though neither Lev 25 nor Deut 15:1-18 are as detailed as the Edict of Ammišaduqa, they address similar issues. The Holiness Code creates a fresh start for individuals and society as a whole by returning land and releasing slaves in the Year of Jubilee. Deuteronomy calls for a universal release of debts every 7<sup>th</sup> year and requires not only that slaves be released after 6 years of service but that they have a truly fresh start as they reenter freedom richly provisioned and, thus, able to avoid returning to being slaves. Unlike the Edict of Ammišaduqa, the biblical clean-slate acts do not set forth the penalties for those who fail to comply. Instead, both appeal to the community's relationship with their God. Rather than punishing, the Holiness Code and Deuteronomy appeal to the nature of a community formed through a shared history with and continued blessing from YHWH.

While the ancient Near Eastern clean-slate acts were a part of the inauguration of a new king, the biblical clean-slate acts were renewals of the relationship between the people and YHWH. The new king may have made his clean-slate decree as a part of the new year festival, a time that was a touchstone for his legitimization by the gods. This was, undoubtedly, a time in which the relationship between gods and people were also renewed, but there was an emphasis on the role of the king. The biblical clean-slate acts were connected to occasions that strengthened and celebrated the relationship between the people of Israel and YHWH. The Year of Jubilee was proclaimed at the Day of Atonement, a somber occasion in which this relationship was restored. The Šemittah Year is the year that all of Israel is to come together at the Festival of Booths to hear the law and renew the covenant. Rather than the

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inauguration of a new king, the biblical clean-slate acts are a part of re-inaugurating YHWH as god and king over Israel.

The biblical clean-slate acts provide theological touchstones for the Holiness Code and Deuteronomy. Just as a clean-slate act was one of the most concrete examples of a king's justice, these acts in the Hebrew Bible were an ultimate recognition of the sovereignty of YHWH. For the Holiness Code, the people and the land were the property of YHWH, of the God who had brought them out of Egypt and who will provide for them in the land YHWH has given them. In Deuteronomy, YHWH will bless everything they do and bless the whole community if they join YHWH in blessing their kin, and they provide richly for the freed slave, just as YHWH provided for them when bringing them out of slavery in Egypt. They are both attached to renewals of the relationship with YHWH and form a sense of community and an ethic of communal care. They participate in the blessings of YHWH as well as being recipients thereof. These clean-slate acts represent the height of what it means to be the people of God.

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